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# E ACCOMPLICE



Frederick Trevor Hill



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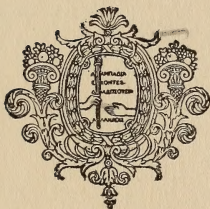
# THE ACCOMPLICE

BY

FREDERICK TREVOR HILL

AUTHOR OF "THE CASE AND EXCEPTIONS"

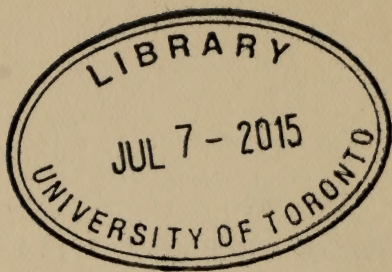
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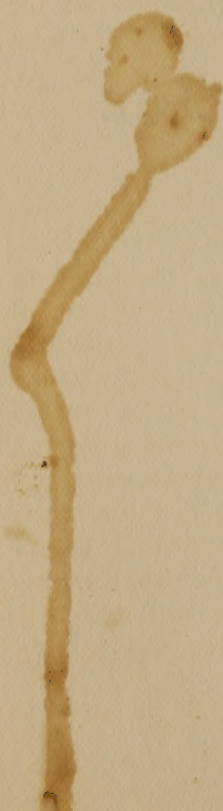
LUCY

WITH AFFECTIONATE REMEMBRANCE OF THE  
TALES SHE READ TO ONE OF HER  
BOYS IN NURSERY DAYS





# THE ACCOMPLICE





# THE ACCOMPLICE

## I

MOST Americans are said to be ambitious for office, but I, for one, have never felt the least inclination for either public or private preferment. The only official rôle I ever filled was the foremanship of the jury in the Emory murder case, and I pray I may never again be forced to serve in a similar capacity. One such doubtful honor is, in my opinion, quite sufficient for a lifetime, although I am free to admit it constitutes my best if not my sole claim to fame. If I am remembered at all by the next generation it will not be as the author of a commentary upon the Persian poets which other and better works will supplant. Even my contributions to the encyclopædias will not save me from oblivion, for the scholarship of to-day will be obsolete to-morrow, and I may soon be deposed by some more modern authority better entitled to the distinguishing letters after his name. But I venture to predict that my experiences as a jury-foreman will never be duplicated, and that the trial of the Emory case will forever

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remain unique among the annals of criminal law. But even the reflected glory of a *cause célèbre* would not suffice to immortalize me, I fear, and it is with no such vain hope that I attempt to play historian. I recognize the vast distinction between the office and the man, and I do not yet contemplate committing autobiography—the suicide of literary men. But since I had unequalled opportunities for observing the human forces which met and struggled over what I take to be the most memorable trial of the age, and since the inside history of the case is known to me alone, I have concluded that my experiences are necessary to complete the record.

So much by way of prelude, and more than enough for pages which must justify themselves.

The office of foreman in the *People vs. Emory* certainly sought the man. But though it sought him diligently and vigorously, two entire panels were exhausted before it came to me as the reward of ignorance and innocence. Had I known what was in store for me I should certainly have read the newspapers and disqualified myself, as others did, by asserting an unalterable opinion concerning the guilt or innocence of the accused. Unfortunately, however, I was the first victim selected from the third panel; I had not been present when the other candidates were examined, and I had never heard of the Shaw murder before I entered the court-room.

I shall never forget the prosecutor's glance of incredulity as I made this confession. He could not

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believe his ears, I suppose, for he repeated his question as though I had not already answered it. I resented this at the time, but to-day it seems quite natural and excusable. It certainly was astonishing that any one could remain ignorant of a tragedy which was being discussed from one end of the State to the other; but I had never been much of a newspaper reader, and at the particular period in question I was absorbed in literary work to the exclusion of everything else. Doubtless the news had been received in our distant and sparsely settled part of the county with as much interest as elsewhere, but no echo of it had penetrated my study, and even when I was summoned to the court-house I did not know exactly why my presence was required.

"Do you mean to tell us that you have never even heard of the death of Mr. Gregory Shaw?"

This time it was the counsel for the defence who put the question, and the note of insinuation in his voice aroused my indignation.

"I mean to tell you I have never heard of Mr. Gregory Shaw's existence—much less of his death," I retorted, sharply.

"Your writing leaves you no time for general reading, eh, Mr. Lambert?"

"If you call the police news of the newspapers 'general reading,' you are right, sir," I snapped.

"I call it fiction," he responded, with a glance at the prosecutor.

"It's the first time I ever heard Brother Barstow



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'call' anything," retorted that gentleman, apparently addressing the crowded room. "He generally bluffs to the bitter end!"

A ripple of laughter ran through the audience, but it was the prosecutor's chuckle rather than his words which set me laughing with the rest. I was in no mood for mirth—my dignity had been ruffled, and I felt myself aggrieved, but the sound of Gilbert's spontaneous and infectious merriment instantly restored me to good-humor, and I began to study the man with keen interest, as he lolled at his ease inside the counsel's rail.

He was a tall, heavily built fellow about five-and-thirty years of age, his eyes clear and kindly, his lips firm, but formed for smiling, his nose large—humorously large—and his round, clean-shaven, dimpled chin in perfect keeping with the boyish expression of his youthful, satisfying face. He was not stout, yet his large frame and his loose-fitting, countryfied clothes gave him that appearance, and his slow, easy-going manner reinforced the impression. To me he typified the successful rural politician—the village hail-fellow-well-met of the happy-go-lucky sort. But as a prosecuting official he seemed out of place. There was nothing formal or dignified in his bearing. Indeed, I could scarcely take him seriously, for my conception of a prosecuting officer was a severe and judicial Procureur du Roi, or a wigged and gowned Queen's Counsel. But right here I may as well admit that my ideas were based on reading, for until

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I responded to the sheriff's summons I had never set foot inside a court of law. I did not volunteer this information at the time because I felt sure the next question would disclose it, but neither Gilbert nor Barstow pressed their inquiries beyond the initial fact of my ignorance of the case at bar, and before I knew exactly what had happened I had been accepted by both sides and become foreman of the prospective jury by virtue of being the first selected.

During the rest of the court day I had ample opportunity to study Deake Gilbert, and the more I saw of the man the more difficult it became to reconcile him with a prosecution for murder. The majesty of the law seemed mocked in his genially comfortable person, and yet there was nothing unbecoming in anything he said or did. I think it was his easy acceptance of a life-and-death responsibility which shocked me during the early days of the trial. I know it was his firm composure which encouraged and sustained me at the end.

A score of talesmen were examined and excused before I had a companion in the box, for jurors who had formed no opinion on the Emory case were few and far between; but after Theodore Bayne took his place beside me the remaining seats were soon occupied. This was not accomplished, however, until Ferris Barstow, the counsel for the defence, had exhausted his peremptory challenges, and was forced to accept such candidates as the Court thought competent, and it was afternoon before the twelfth juror

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was secured and we were requested to rise in a body and take the oath of office. As we stood with our right hands lifted, a deep hush settled over the court-room, and I do not think I have ever experienced a more thrilling moment. Instinctively I glanced over the silent audience which crowded every nook and corner of the little court-room, and at the same moment I saw Barstow whisper to a young woman seated beside him. Instantly she rose—a lonely figure silhouetted against a background of white faces—and stood watching us intently. Then, for the first time, I think, I fully realized the awful power with which we were intrusted, and that on our nod a woman's life depended.



## II

WE had no sooner resumed our seats than Ferris Barstow rose and began to address the Court. Much of what he said was unintelligible to a layman, but I gathered, in a general way, that he was demanding the discharge of his client upon various technical grounds. He presented his points with the same nervous aggression which had affected me unfavorably from the start, but coarse, ill-mannered, and pugnacious as he was, he impressed me as being terribly in earnest. Certainly there was strength and virility in his every movement, and his broad shoulders imparted a comforting sense of security, even though one knew the coming conflict would not call for force. His massive head and piercingly bright eyes, however, indicated mental qualities of a high order, and his thick, muscular neck and heavy, under-shot jaw guaranteed an untiring insistence on all his client's rights. Obviously the man was without personal vanity, for his red beard and mustache, which might have humanized his ugly features, were close-cropped, giving him a hairy and unnecessarily brutal appearance. Had Deake Gilbert and he changed places each would have more nearly conformed to

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my preconceived notions of professional types. The one had all the cold solemnity, the intimidating menace, the unsympathetic savagery of a prosecuting official as I had imagined him, while the other, if not the ideal advocate, was at least distinctly human and companionable.

As I studied the two men, however, I felt thankful they could not change places, for I was convinced that the prisoner would have a better chance with Gilbert against her than with Barstow in the prosecutor's rôle, and I was already strongly prejudiced in favor of the accused. Indeed, it was almost impossible to associate the idea of murder with the delicate, refined little woman who sat quietly watching the jury without a sign of fear. She was not beautiful—not even handsome—decidedly not pretty. But the calm dignity of her bearing, the thoughtful expression of her dark eyes—the simple serenity of her whole being gave her a grace and charm far more satisfying than mere beauty. The time was not distant when I was to question the meaning of her placidity—to doubt its naturalness—to suspect more than a masked expression in her face. But even with her counsel standing before me and addressing the Court I could not at first bring myself to believe she was on trial for her life, and when this fact was forced upon me I took refuge in the possibility of her being the victim of some terrible misunderstanding or blunder which would be discovered and rectified before it was too late. Finally I persuaded myself

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that Barstow's initial move would serve to procure his client's immediate discharge and end the ugly nightmare threatening my peace of mind.

"May it please the Court: Gentlemen of the Jury."

The sound of Gilbert's voice startled me to the reality of my surroundings, which I must have lost in my study of the defendant's face. Then with a sinking heart I realized that Barstow's preliminary plea had failed and that the actual trial was about to open.

I shall never forget my sensations at this crisis, but I was to experience many moments far more distressing before I was much older.

### III

THE prosecutor leaned against the back of his chair and silently studied the jury for some moments after his opening words, and, although I was not the only person who shifted nervously in his seat during the solemn pause, I felt that I alone disturbed the quiet of the Court.

“In following this case, gentlemen,” he began again, speaking slowly and impressively, “I think it will aid you, and I know it will help me, if you will strive to remember who and what I represent. I am the public prosecutor of this county—not a lawyer with a case to be won or lost. It is my province to seek out the facts surrounding the commission of any crime and to present them to a body of men known as the Grand Jury, and to receive from it instruction as to what person or persons should be tried for the offence. Now murder has been done in our community—the surrounding circumstances have been laid before the Grand Jury and it has ordered me to place upon trial the prisoner at the bar. But although I am firmly convinced that this indictment was justified, and that the guilty party is now before the Court, I want you to understand at the outset that you are



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the sole judges of the facts, and that I am here in the public interest—in your interest—in the interest of all law-abiding citizens, to present those facts in an orderly manner, and as fairly and fully as the ends of justice demand. In other words, I am for no one but the public, and against no one but the criminal, and you are to decide the guilt or innocence of the accused.

“Early in the morning of November 3, 1892, one Gregory Shaw, a well-known resident of the village of Pollicet, in this county, was found dead in the private study of his dwelling. The body was discovered by a servant named Field, who detected the odor of gas escaping from her employer’s study, and, finding the door locked, summoned other members of the household to her assistance and forced an entrance to the room. Mr. Shaw was found lying face downward on the floor near his desk, and, as all the gas-jets were turned on and a deadly atmosphere filled the room, there was little question at the moment as to the cause of his demise. A hasty examination of the premises disclosed a heavy rug stuffed up the fireplace chimney, wet blotting-paper in the key-hole, and damp newspapers in the crevices of every door and window. In fact, there were all the indications of a deliberately planned suicide, and the Coroner, convinced that Mr. Shaw had taken his own life, gave permission for the removal of the body without holding an autopsy. Had it not been for the presence of Dr. Walter MacLean, a friend and

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neighbor of the deceased, it is highly probable that no investigation worthy the name would ever have been held, and the most singular crime which has ever come under my official notice would thus have escaped detection. But Dr. MacLean examined Mr. Shaw's body immediately after it was moved, and at once discovered that his friend had been stabbed through the right eye by a slender weapon which had penetrated the brain in such a manner as to cause instant death without visible effusion of blood.

"The police authorities were immediately notified, and a minute inquiry was begun into all the circumstances surrounding this mysterious tragedy. In the first place, it was demonstrated that the evidences of suicide might easily have been concocted by the murderer, who might have made his escape by the window, bolting it from the outside by removing one of the upper panes of glass and replacing it after his work was accomplished. Acting on this theory, the authorities began their investigations, which were attended by the best possible results. The window of Mr. Shaw's study opened upon the sloping roof of a veranda, and upon this was found a small pool of candle-grease, and a single drop of the same substance was detected on one of the upper window-panes. Careful work then revealed that the old, hardened putty of this pane had been removed and replaced by sticking it together with library paste. All this showed the same cool deliberation and forethought which had characterized the suicide ruse.

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"But, gentlemen, most criminals, even the coolest and cleverest, make at least one mistake, and this particular criminal made no less than two.

"The first error consisted in leaving the drippings of candle-grease on the veranda roof, and the second was in kneeling on those drippings before they were quite dry. As though it had been a hand gripping the skirt of the criminal, that wax held in its clutch half a dozen threads of a hairy cloth, blue in color, and of a texture known to the clothing trade as dress goods. When you have found the wearer of the cloth from which those threads were torn, gentlemen, you will have found the murderer of Mr. Gregory Shaw."

Gilbert paused, and every man in the jury-box stole a glance at the prisoner, only to find his vision obstructed by Barstow's broad shoulders as the lawyer leaned towards his client in whispered consultation.

"Having demonstrated that some one had tampered with the window-pane," Gilbert continued, slowly, "the police bent all their efforts upon discovering how this person had effected an escape. The veranda roof was not far above the ground, but there was no sign of any one having jumped or climbed from it, nor were there any footprints in the flower-beds, which were soft from recent rains. Plainly, then, the person who had turned glazier at Mr. Shaw's window had not escaped by way of the veranda roof. It was obvious, also, that no exit could have been effected through the study door, which was bolted

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from the inside, and it was physically impossible for any one to reach the roof except with the aid of a ladder, as you will presently see for yourselves. In fact, there was only one feasible avenue of escape, and that was another window next to Mr. Shaw's study, which also opened on the veranda roof and led into a bedroom situated at the head of the main stairway. That bedroom was occupied by Miss Alice Emory, Mr. Shaw's private secretary and confidential clerk. In fact, gentlemen, every window of this mystery into which you peer, every door you force, every curtain you tear aside will disclose Alice Emory, the prisoner at the bar."

Again the prosecutor paused, and the relaxing rustle and stir indicated the nervous tension of the audience.

"Very little was known to the outside world about Mr. Gregory Shaw prior to his death," Gilbert went on. "Beyond the fact that he was a bachelor about forty-five years of age, active in mind and body, and unusually successful in business, having extensive interests in New York and other large cities, his neighbors in the country knew practically nothing. His farm at Pollicet was apparently a fad, conducted upon business principles. The household consisted of three women servants (including the waitress, Betty Field), the housekeeper, Miss Madeleine Mapes—and I ask you to remember her name, for you will hear of her again—and the private secretary, Alice Emory. Besides these there were in the farm buildings and



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stables, at some distance from the house, five men and two women. With these meagre facts to guide them, the police started upon their investigations, and little by little unearthed a state of affairs which was undreamed of by the dead man's neighbors, and a shock to the few who claimed to be among his closest friends.

"In the first place, a will found in Mr. Shaw's desk indicated that he was not a bachelor, as every one had supposed. This instrument had apparently been executed a short time prior to his death, and by it he bequeathed his entire estate to his wife Alice. Up to date, however, no record of Mr. Shaw's marriage has been obtained, and no person of the name 'Alice' has yet appeared to claim possession of his estate."

The calm tone in which this statement was uttered did not lessen its significance, but the speaker paused and silently studied the jurors' faces for some moments before he again proceeded.

"But, gentlemen," he resumed, at last, "not only was Mr. Shaw's wife missing, but his supposedly large fortune had likewise disappeared. An examination of his business affairs revealed the astounding fact that, although his credit was unquestioned and his transactions apparently sound, all his discoverable assets, including his Pollicet farm, would no more than suffice to discharge his very moderate liabilities. To say that this revelation amazed his business acquaintances is to state the matter very mildly. They

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were fairly incredulous. Almost every one in touch with his affairs believed him a millionaire at the very least, and his manner of living certainly indicated wide resources and a handsome income. There was only one person to whom the news did not come in the nature of a shock, and that was his secretary, Miss Alice Emory. She received the news of his finances as calmly as—well, as calmly as she had received the tidings of his death, and nothing could exceed her self-control at the moment of that announcement. Another discovery in this case *was* calculated to surprise her, however, but whether it did or not no one but she and her lawyer knows, because she has, under the advice of counsel, declined to answer questions which might tend to incriminate her. In a word, gentlemen, it was speedily demonstrated that the will in favor of the unknown 'Alice' was a clumsy piece of forgery."

Perhaps I was the only person in the room to whom this statement was an utter surprise, but I saw more than one frightened face in the audience as Gilbert paused.

"At this point, gentlemen of the jury," he proceeded, "there were further investigations to discover what had become of Mr. Shaw's reputed fortune, and when the search was about to be abandoned certain clues led to the discovery of nearly a million dollars in first-class railroad and other bonds deposited with a trust company in Venezuela. These securities the police believe to be the property of the late Mr.

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Gregory Shaw, and the basis for this belief is the fact that the safe-deposit vault where they were secreted was held in the name of Alice Emory, his private secretary and confidante.

"But, strange as these facts are, gentlemen," continued the prosecutor, in even tones, "they are not inexplicable. To reach the explanation, however, I must tax your credulity still further. I dislike to speak ill of the dead, but I am compelled to state that Mr. Gregory Shaw had not always been the successful and respected business man and estimable neighbor Pollicet had known and honored. He had once been without money, but not without price. The crime which we are now investigating has brought to light another crime in which the foundation of his fortune was laid, and which, though undetected for many years, still shadowed his whole career, and finally resulted in his tragic death. It is not necessary at the present moment for us to go into the details of his wrong-doing, which the testimony will fully disclose. Suffice it to state that his crime was known to at least one other person besides the perpetrator, and that person is the defendant in this case.

"Now, gentlemen, this is the crux of the whole matter, for it is the theory of the prosecution—and I shall not claim it to be more than a theory until I substantiate it by proof—the theory of the prosecution, I say, is that Alice Emory desired to become Mrs. Gregory Shaw—that she threatened her employer with exposure unless he made her his wife, and

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threatened so effectively that he turned all his property into negotiable securities and prepared for immediate flight—that such was the pressure brought upon him that he contemplated suicide, and, thinking he might take his life, the secretary forged a will in her own favor, intending to pose as his widow, and she murdered him when he discovered this document and threatened exposure for exposure. But you will naturally ask why Gregory Shaw did not accede to the woman's demands and marry her. Had he done so his secret would have been safe, for the law does not look favorably upon a wife who volunteers testimony against her husband. There must have been some strong reason for his resistance, and I think I can show you what it was when we come to investigate the life and letters of the prisoner at the bar.

“But, your Honor”—here Gilbert turned on his heel and addressed Judge Dudley—“before we proceed further in this case I desire the jurors to view the scene of the tragedy, and see for themselves the possibilities of entrance and escape and familiarize themselves with other essential details which are difficult to explain. I therefore move for an immediate inspection of the Shaw residence under such guidance and instruction as the Court may deem proper.”

Ferris Barstow had risen when the prosecutor turned to the Bench, and the moment he caught the Judge's eye his harsh voice boomed out in protest.

“I object to any such inspection!” he began, with



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his customary aggression. "The sole object of this proposed junketing-trip is to give spectacular effect to a trial already sufficiently advertised. It can serve no good or useful purpose. We neither ask nor expect quarter because this defendant is a woman, but I submit that no prisoner on trial for life should be subjected to unnecessary strain. Your Honor knows what these inspections involve. In nine cases out of ten they are not inspections of the premises, but inspections of the prisoner — tests to see whether or not he will blanch at the sight of the fatal spot. Such manœuvres belong to the days when prisoners were forced to touch the corpse and were judged guilty if its wounds bled. I protest against such barbaric tactics, and I trust this Court will not countenance them without grave and cogent reasons."

Barstow glanced defiantly at the prosecutor as he paused, but Gilbert did not respond to the challenge. Indeed, he seemed unconscious of his opponent as he stood quietly awaiting the decision from the Bench.

"Have you no plans or photographs of the premises, Mr. Gilbert?" inquired the Judge, after a pause.

"We have both, your Honor; but much time and trouble will be saved if the jurors can see the house itself. Moreover, the accuracy of our plans and photographs may be disputed."

"Their accuracy will be admitted without question," interposed Barstow. "Sight unseen!"

The Judge glanced inquiringly at the prosecutor.

"Does that satisfy you, Mr. Gilbert?" he asked.

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"It is good as far as it goes, sir, but it does not eliminate the difficulty of explanation," Gilbert responded. "If my opponent fears the effect of the proposed visit upon his client's nerves, I suggest that he waive her right to be present at the inspection, and allow us to look over the ground without her."

"Any suggestion from the prosecutor that I waive my client's rights speaks for itself, and is its own answer!" retorted Barstow.

Every note of the man's voice was provocative of wrath, but Gilbert displayed no resentment at his ugly show of teeth.

"I will deny your motion for the present, Mr. Gilbert," the Judge decided, after a pause. "You may renew it later if you choose."

The prosecutor bowed gravely and was about to resume his address, when Barstow laid a hand upon his arm.

"One moment, if you please," he interposed, at the same time turning to the Court. "Your Honor, this is Friday, and it is now nearly six o'clock. In view of the long trial before us, I suggest that the jurors be discharged until Monday."

"Does the prosecution agree?" inquired the Court. Gilbert glanced at his watch.

"I have no objection," he responded, "provided the jurors be instructed to return on Monday prepared to stay here until the trial ends."

"I will consent that the jurors be given their entire

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liberty," interposed Barstow as the Judge paused, "if the prosecutor will agree."

"I would like to be equally accommodating," Gilbert answered, with a smile, "but I submit it is not practical for these gentlemen to come and go as they please. This trial will be endless if we have to wait each morning for their appearance. They are from widely scattered parts of the county. Some of them are farmers, some are business men, and—"

"They'll all be lawyers before this trial is ended," interrupted Barstow.

"But they'll be too old to practise before that day arrives if we act on your suggestion," retorted Gilbert.

"The jurors will return here on Monday morning, prepared to stay at the Melton House during the trial of this case," Judge Dudley interposed, decisively. "In the mean time, gentlemen," he continued, "you may retire to your homes and make such preparations as may be appropriate. I warn you, however, not to discuss the case or to listen to others discussing it. Keep yourselves free from influence, prejudice, or impression, and form no opinion favorable or unfavorable from anything you have heard. In other words, dismiss the subject from your minds until you reassemble."

## IV

**D**ISMISS the subject from our minds! I don't know what my associates thought of the Judge's admonition, but I resented it as nothing less than an insult to my intelligence. Certainly no human being with a mind of his own could listen to the story we had heard and think no more about it until it pleased the Court. Even if it had come to me in the form of fiction, I could not have dismissed it without at least a mild conjecture. But to instruct twelve men charged with a life-and-death responsibility to give no second thought to the vital, human issue they were facing struck me as preposterous—impertinently preposterous.

My new official duties weighed heavily upon me, and I was indignant that any one should take them less seriously. I could not even join in the grumbling of my fellow-jurors at our prospective detention, for it seemed petty to dwell on my personal inconvenience in the face of a civic duty far more important; and, finding myself out of all sympathy with my associates, I walked from the court-room feeling as though the whole burden of this awful business rested on my shoulders alone.



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I had left my horse and trap at the Melton House stables, and, although it was already late, and I had at least ten miles to travel, I determined to start home at once, knowing that my faithful housekeeper, well used to my bachelor irregularity, would keep dinner waiting for me, no matter how late I might arrive.

But had I not already determined to leave at the earliest possible moment, the conversation at the hotel would have hastened my departure, for the Emory case was being debated with great energy, and, to avoid being drawn into the discussions, I was obliged to take refuge on the piazza. But even there the topic pursued me, and it was with no small relief that I at last jumped into my trap and set off at a brisk pace on my homeward journey. But as I travelled along the lonely country road my mind was constantly occupied with the forbidden subject, and unconsciously I allowed my horse to settle into a jog-trot as I thought over the story I had heard from Deake Gilbert's lips.

My first impressions of the prosecutor had not survived his opening speech. He no longer appealed to me as a flippant or irresponsible trifler, but rather as a man sure of himself and his duty and entirely conscientious. His statement of facts had been presented in a quiet, conversational tone, without formality, but with unmistakable earnestness. During its entire delivery his attitude had been that of an impartial investigator bent upon making an ac-

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curate report. Not a word of denunciation had passed his lips, and scarcely more than a suggestion of accusation, and yet the defendant seemed irretrievably incriminated. Had he attacked her and inveighed against her crime, I should have felt more comfortable. But his quiet, colorless relation of the facts made them speak for themselves, and their meaning was unmistakable. Even what he had left unsaid was hauntingly suggestive. Would he tell us at the next session that the threads which had been found clinging to the candle-grease matched the cloth of one of Alice Emory's skirts? He had not asserted this, but I did not doubt that he had such proof in his possession. Again, why had the victim refused to consider marriage with his secretary—even at the risk of ruin and disgrace? I could find no clew to this question. But assuming the gravest of answers, why should Shaw place his ill-gotten property in the name of the woman he had every reason to fear? If money had been her object, why had she not been satisfied with the possession of his wealth? Why had she been tempted to forgery or murder? When Gilbert had told of the property discovered in her name, I felt he had made a strong point for the prosecution; but, as I pondered over it, the fact seemed in her favor. Perhaps other points more closely examined would prove even more favorable.

Encouraged by this prospect, I clucked cheerily to my shambling horse, and as he started forward I noticed that I no longer had the road to myself, for

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in the distance another horse was plainly visible on the crest of a little hill. In the gathering dusk I could not at once determine in what direction it was moving, but on drawing nearer I discovered that it was being led towards me, and that the holder of the bridle-rein was a woman. The animal bore a man's saddle, but there was no one but the woman in sight, and, fearing there had been an accident, I drew rein as we met.

"Pardon me, madam," I began, raising my hat, but paused as the sound of laughter reached my ears.

"I wonder what makes you think so?" asked a pleasant voice.

I gazed at the smiling face upturned to mine and, puzzled for an answer, hazarded a question.

"What makes me think what?" I queried.

"That I have arrived at the dignity of 'madam.'"

"I do not think you have, miss," I answered, dryly.

The girl laughed good-naturedly.

"I stand reproved," she answered, patting the horse's head. "And, incidentally, I grant the pardon you began by asking—presumably for addressing me at all," she added, with a note of dignity, as she moved on again.

"I merely stopped to inquire if I could be of any assistance to you—or your companion," I added, glancing up and down the road.

"Or my companion?" she repeated, wonderingly,

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and then broke into a little laugh. "Oh, Dolly is all right," she continued, playfully shaking the bridle-rein. "It's the saddle-girth which wants assistance. You don't happen to have an extra long strap in your wagon, do you?"

"What's the matter with the girth?" I inquired, twisting the reins about my whip and jumping to the ground.

"The binding of the buckle has come unsewed," she explained. "It hasn't actually broken, but I can't make it safe, and I've been fussing with it for hours. I could have carried the saddle on my lap if Dolly would have let me mount, but the wretch wouldn't stand still, and I've been waltzing with her until I'm fairly dizzy. Now, if you will give me a leg up—" she continued, unfastening the girth.

I fairly gasped at the expression, but she did not notice my confusion.

"I thought—" I began, and paused, awkwardly.

She turned to me—her head still under the up-lifted saddle-flap—and at sight of my face laid her cheek against the horse's flank and laughed with keen enjoyment.

"I see! You didn't understand the saddle," she exclaimed. "Divided skirts *are* cleverly made nowadays, aren't they?" She touched her brown riding-skirt with her hunting-crop as she spoke. "You're not shocked, are you?" she continued.

I tried to shake my head convincingly.

"I can't imagine why any one should be," she

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went on, calmly; "but I've met plenty of country people who wouldn't think of docking a horse's tail and yet are simply scandalized at the notion of a woman's properly adjusting her weight to his back."

"It is merely a question of custom," I replied.

"Of habit, you mean," she interrupted, smilingly. "Now, if you will lay this saddle on the grass for a moment," she continued, "and hand it to me after I am up—"

"If you will permit me to offer you a seat in my trap," I suggested, "you could lead Dolly and let her carry her own saddle. It's safe enough for that."

"I don't want to take you out of your way," she answered, hesitatingly.

"Perhaps you won't," I replied. "Where are you going?"

"Home," she answered. "To Pollicet, I mean," she added, smilingly.

"To Pollicet!" I exclaimed.

"Yes. Is there anything surprising in that?"

"No-o," I answered slowly, "but—"

"I see," she interrupted. "You associate Pollicet with the Shaw murder, and look upon all the inhabitants as implicated."

"Not at all," I protested, lamely; "but—"

"I assure you we know less about it than most people," she went on. "Although we're not stupid enough to think Alice Emory killed the man. That's criminal ignorance."



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"If you will accept my suggestion I will buckle these reins together for a leading-strap," I interposed, somewhat hurriedly. "Or if you will do it while I put the saddle on again it will save time," I continued. "Is Pollicet far from here?"

"Not three miles," she answered. "We're on the direct road now. Didn't you know it?"

"No," I admitted. "I must have taken the wrong turning for Hefryville."

"And came all the way here to rescue a maiden in distress? It's fate! Romantic fate! Don't you think so?"

I was in a serious mood, but the girl's merry, mocking face was too much for my gravity, and I laughed in spite of myself.

"How old are you, anyway?" I expostulated, but with very little severity in my tone.

"What an impolite question!" She mounted into the wagon as she spoke and held out her hand for the leading-strap. "How old are you, yourself?"

"Thirty-six," I answered, promptly.

"Well, I'm twenty-four," she answered.

"You don't *look* it," I observed, taking my seat beside her and chirping to the horse.

"I suspect you mean I don't act it," she asserted. "But I will return the compliment at its face value. You don't look thirty-six."

"Thank you," I responded, gravely.

For some moments we drove on in silence, and, although the girl was looking back at Dolly, I knew

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she was shaking with repressed amusement. Indeed, when I glanced around I found myself face to face with a picture of mischievous merriment which would have made a mummy smile.

"Now, suppose we all give our right names, as my brother says." She burst out laughing. "I'm Barbara Frayne, aged eighteen, of 'Heathercote,' Pollicet."

"And I'm James Lambert, aged thirty - six, en route from Melton to Hefryville," I responded.

"From Melton to Hefryville?" she repeated, wonderingly. "I don't see how you could have missed your way."

"I'm afraid I wasn't thinking of the road," I answered; "but the horse ought to have remembered it. He's been over it often enough."

"I was on my way to Melton myself when the buckle weakened," Miss Frayne volunteered. "Did they actually begin that abominable case to-day?" she added, quickly.

"You mean the People *against* Emory?" I asked, without glancing at my questioner.

"I mean Deake Gilbert against Emory!" she exclaimed, resentfully. "Isn't it an outrage?"

"You know Miss Emory?" I hazarded.

"Know her? Of course I know her, and a dearer, sweeter woman never lived. Don't tell me you think her guilty!"

"I have formed no opinion at all," I answered, uneasily.

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"Then you've never seen her," the girl declared. "No one who has could have any doubt of her innocence—no one except Deake Gilbert, and he's nothing but a brute, and I've told him that to his face, too!"

"You mean the prosecutor?" I inquired.

"Prosecutor!" she repeated, scornfully. "*Persecutor*, I call him. Goodness, how mad it makes him!" she added, exultingly.

"But his duty—" I began.

"His duty!" she interrupted, scornfully. "It's his duty to find out who did the murder, not to persecute a defenceless woman. Oh, I don't see how a man can do such things!" she went on, indignantly. "Fancy planning and plotting for months against an innocent woman, and then pleading with a lot of country bumpkins to do her to death! Why don't they let women sit on the jury? They don't dare, I suppose. Oh, it just makes me boil to think of it!"

"But if your friend is innocent she's in no danger," I observed.

"Indeed she is!" the girl asserted. "I've heard Deake Gilbert himself admit that a man has to be a sort of half idiot nowadays before he's qualified to sit as a juror, and there's no telling what people of that sort will do."

I inwardly congratulated myself on the natural sound of my answering laugh; but my cheeks were flushing furiously, and I admit I hit the horse without the slightest provocation.

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"I tell Deake he gets so used to controlling the weak-minded that he can't tolerate a rational difference of opinion any longer," she continued, reminiscently. "And that makes him madder than ever. Did you ever see him lose his temper?" she added, suddenly.

"No," I answered, uninterestedly.

"You know him—don't you?" she inquired.

"I can't say I do," I replied, evasively.

"Why, I thought everybody knew him."

"I'm nothing but a hermit," I explained.

"A hermit? That sounds deliciously mysterious. Do you live in a cave?"

"In 'The Hermitage,'" I answered.

"What! That dear little studio where some artists used to live?"

"I bought it from an artist. You have been there?"

"Yes—they gave a party there some time ago. It's simply perfect for a dance. Have you ever given one?"

"Well—no," I admitted. "You see, I'm a bachelor, and—"

"Oh, do give one!" she exclaimed, enthusiastically, "and invite me."

"I'm afraid I don't know enough people," I began.

"I have it!" she interrupted, gayly. "We're almost at Pollicet now. I'll introduce you to father and mother, and you can stay to dinner, and we'll all see that you know everybody in the county who's

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worth knowing, and then you can have a party. Won't it be fun?"

"It sounds delightful," I responded, smilingly; "but—"

"You'll come—won't you?" she demanded.

"To the party? Certainly."

"No, to dinner, of course."

I hesitated for a moment, but the reference which had already been made to the Emory case warned me that local hospitality might be embarrassing for the present.

"You are very kind," I replied, regretfully, "and I shall be glad to call some other time—at the first possible opportunity, if you will permit it; but to-night I feel I must push on to Hefryville, for I am late and some distance out of my way, I suppose."

"Nearly four miles," she admitted. "I'm sorry you won't stop; but I can tell you how to save time if you really must hurry on."

"I'm afraid I must," I answered.

"Well, keep on this road about half a mile farther, and then take the first turning to the left, and follow that until you come to a wagon-shed just beyond the Shaw house—"

"But I don't know the Shaw house when I see it," I interrupted.

"Gracious! You are a hermit, indeed. Well, it's a red-roofed farm-house with three big poplars in front of it. You can't possibly miss it, and at the wagon-shed just beyond you'll come to a road turning



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to the right. Take that and you'll save a mile or more."

"Thank you—I understand," I answered, mechanically, although I had not followed the directions beyond the Shaw house.

"If you're sure you can't stop to dinner, I'm going to ask you to let me out here, Mr. Lambert," she continued, as we drew near a back lane. "I can go directly to the stables this way, and it will save you time, too."

I stopped and, taking the leading-rein from her hand, helped her to alight.

"Thank you ever so much, Sir Knight," she exclaimed, holding out her hand.

It may be no true indication of character, but I always receive a strong impression from the manner in which a person shakes hands. I had never met a girl like Miss Frayne before, but I felt I knew something of her quality the moment our hands met. Her clasp was firm and strong, like a man's. It was a greeting or a God-speed which no man could fail to reciprocate and no decent man would dare presume upon. It was friendly, frank, fearless, genuine, hearty, joyous. It was like her.

"Don't forget you're committed to that party at 'The Hermitage,'" she reminded me, as I stepped into the wagon.

"Will you dance the cotillon with me, mademoiselle?" I inquired, picking up the reins.

"Merci, monsieur," she answered, and then, lifting

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her horse's head, touched it with her fingers and waved her hand towards me.

"Dolly and I salute you," she added, laughingly, as she moved away.

I watched her running lightly up the lane, the mare trotting after her to the musical jingle of its stirrups, and then I urged my own horse forward on the road to the farm-house of Gregory Shaw.

## V

I WILL not say I did not question the propriety of my visit to the Shaw farm, but I certainly never doubted it. I had every reason to believe that the majority of the jurors were more or less familiar with the house and its surroundings. Indeed, all the talesmen had admitted in my presence that they had seen the place, and I was the only candidate who had not even heard of it. To my mind it seemed not only proper but necessary that I should qualify myself to understand the coming testimony by personally inspecting the scene, especially since Mr. Barstow's objection had deprived me of an official opportunity. The fact that I had already been sworn as a juror made no difference in my opinion, for there could be nothing in the mere exterior of the place to influence me one way or the other, and I felt entirely justified in equipping myself with the information which my associates already possessed.

I did not reason this out at the time, but I know I felt it instinctively, and, despite the outcome, and the fact that ignorance of the law is no excuse, I still maintain I was justified in doing exactly what I planned to do.

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It was dark by the time I reached the house, but I recognized it at once by the three stately poplars. It was an unpretentious building, standing well within its own grounds, which were separated from the highway by a tall box hedge. This and the big poplars obstructed the view from the road, and, although I leaned far out of the buggy, I could see nothing of the veranda of which Gilbert had spoken. I therefore stopped the horse a few rods farther down the road, and, standing up, looked back, but the little I could see convinced me that the veranda and the windows in question must be at the rear. Disappointed with the poor view I had obtained, I was driving on again when I noticed the wagon-shed of which Miss Frayne had spoken, and I at once determined to leave the horse there and walk back for another look at the house. With this idea I drove into the shed, tied my horse, and, climbing the fence on the other side of the road, approached the house behind a fringe of trees which screened it from the farm buildings. When I emerged I found myself quite close to the veranda, which extended across part of the building, with three windows of the second story opening upon its roof. Two of them undoubtedly opened into Mr. Shaw's private study, and the other into Miss Emory's room, but which was which I had no means of knowing. It was evident at a glance that no one could reach the roof from the veranda roof without the assistance of a rope or ladder, for the upper windows had neither coping nor

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shutters, and the eaves of the roof projected so far that any one scaling the wall would find himself cooped up under the eaves. The veranda roof likewise projected far beyond the supporting columns, and the most skilful descent would require a drop of at least five feet into the flower-beds below. All this merely corroborated what Gilbert had told the jury, and I was about to return to the road when I noticed that one end of the veranda was not visible from where I stood. I therefore moved out of the shadow of the trees and stepped towards the house. I soon discovered that the part of the roof which had been hidden from my view presented very much the same appearance as the front, except that I could now see a wing or annex of the house with a door leading into what might be the kitchen. There was a window between this door and the veranda, and it occurred to me that an active person might possibly make use of the shutters in descending from the veranda roof. To investigate this more closely I moved forward, and in doing so stepped on a piece of glass, which broke under my foot, and at the same instant a startled exclamation sounded almost in my ear.

Instinctively I flattened myself against the wall of the house, and as I did so the window beside me opened and a small piece of glass tinkled to the ground.

"It's nothing but bits of this broken pane dropping out," answered a woman's voice. "If you don't get your nerves under better control you'll do a power of mischief yet."



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The speaker drew a chair to the window and sat down facing me. I could not see her, but had I stepped from the wall she would have instantly discovered me.

"I don't want to do any mischief," faltered the other voice. "All I want is to be left alone."

"Well, you can't be left alone," retorted the first speaker. "And you won't be; so you might just as well make up your mind not to be a silly fool. There's nothing to be afraid of."

"Oh, Miss Mapes! Do you really think so?"

Mapes? Where had I heard that name? Instantly Gilbert's reference to Miss Madeleine Mapes recurred to my mind. This was the housekeeper whose name he had asked us to remember.

"I don't think it—I know it!"

Miss Mapes's tone was domineering but reassuring, and from the silence which followed I began to hope that the conversation had ended when the nervous voice startled me again.

"But if they ask me more than you think?"

"They won't," Miss Mapes asserted. "But if they do, all you have to say is that you don't know."

"But I can't tell an untruth."

"Can't you?" sneered the housekeeper. "Then you're the only person I ever met who couldn't."

"But not under oath, Miss Mapes," the other woman quavered. "That's a crime."

"Well, murder's a worse crime."

"Yes, but—"

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"You'll commit murder, Betty Field, if you take to talking! Nothing less than murder—mark my words!"

The housekeeper's tone was fierce and menacing, and I could almost see the other woman tremble.

"Suppose they should ask me if I ever saw it?"

"They never did ask you that—did they?"

"No. But the detective wanted to know if I'd ever seen her wearing a blue cloth skirt."

"Well, you never had—"

"No, but I saw you with it, and—"

"How do you know you did?" Miss Mapes interrupted, sharply. "You saw me with something in my hand—"

"It was in the furnace."

"Well, I don't care where it was. You don't know whose it was, or what it was, and nobody will find out that you saw anything unless you lose your head and blurt it out; and if you do, her blood will be upon you all the rest of your life, and you'll never wash it out with all your tears."

"Oh, Miss Mapes!"

"Oh, Miss Mapes, indeed!" sneered the housekeeper. "Work yourself into hysterics! Do! That's just the condition they want you in."

"Oh, please Miss Mapes! You know I'd do anything to help, but don't you think it would be safer to go back?"

"Yes, if you're afraid to stay here. But, for Heaven's sake, make up your mind one way or the other."

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"Will you come?"

"I? Indeed I will not! But you'd better start now if you want to run away. You haven't a minute to lose."

"Oh, I can't. I daren't go without you."

"Then stay and keep your mouth shut!"

"But if they ask you?"

"They may ask and ask again, one and all, and much good it may do 'em. I can take care of myself."

The sound of a bell brought both women to their feet, and for a moment there was deep silence. Then Miss Mapes whispered:

"That's Barstow's man. I thought he'd come to-night. You stay here and listen to what I say. I'll go to the door."

I suppose a more quick-witted man would have risked discovery and escaped when he first heard the women talking, and I have no defence for my inaction save the fact that in the few seconds which developed this conversation I did not realize what was happening. Even when Miss Mapes started for the front door I still stood against the wall, my heart throbbing with excitement. Then suddenly the full purport of what I had heard burst upon me, and I stepped forward just as the kitchen door was thrown open, driving me behind it as it swung and penning me between it and the wall. I could hear some one pass out of the kitchen, and almost immediately my view was obstructed by the figure of a

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young woman who had placed herself close to the open window and against the wall exactly where I had first stood. I could not have escaped then without brushing her aside, although I might possibly have reached my horse without disclosing my identity, but I hesitated to risk the hue and cry which would be instantly raised and might end in my capture and humiliation. I also entertained the hope that I might not overhear any further embarrassing conversation, in which case there was nothing to be gained by beating an immediate retreat.

In this, however, I was doomed to speedy disappointment, for Miss Mapes was speaking as she re-entered the room with a light, and, although I shrank farther behind the door, I could hear every word she uttered.

"I don't think you quite understand our position in this matter, Miss Mapes," I heard the visitor reply.

"I understand it well enough," Miss Mapes retorted, curtly.

"I hardly think so," answered the visitor, pleasantly. "We are striving to do all we can for Miss Emory, but we cannot do our best work in the dark."

"Indeed!" snapped the housekeeper. "I should think darkness would favor lawyers' doings."

"I know you don't like the profession," laughed the man, good-naturedly. "But too little confidence is apt to be more dangerous than too much. Mr.

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Barstow most earnestly advised you to remain out of the State until the trial was over, and he cannot understand why you have returned."

"And I can't understand why he allowed Miss Emory to be indicted."

"My dear madam! He could not prevent it."

"Indeed! Then why was I bundled out of the way?"

"It was thought you might be compelled to give embarrassing testimony."

"Didn't he promise that if I went away no harm should happen her?"

"Who? Mr. Barstow? Perhaps he did. But don't you think what has happened is bad enough without making it any worse."

"I couldn't make it worse."

"Indeed, you could and will. Mr. Barstow has prepared his defence in the belief that you are safely outside the State and cannot be called as a witness. He has actually proceeded to trial counting on this fact, and it is no longer possible to obtain a postponement. Now, at the eleventh hour, you turn up and compel him to meet God knows what testimony; for I tell you very frankly that he has reason to believe you have never given him your full story. Can't you see how embarrassing, if not fatal, this move of yours may be?"

The speaker's tone was earnest and persuasive, and the girl, listening outside the window, leaned forward excitedly.



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"Now, Mr. Hunt," Miss Mapes's voice replied, "you've had your say, and I'll have mine. I went away at Mr. Barstow's request for one and only one reason, and that was to protect Alice Emory. How has it protected her? Hardly a word of suspicion had been uttered against her when I left, and now she is on trial for her life. Mr. Barstow couldn't help it, couldn't he? Well, I don't believe he could, with the methods he's adopted, and I'm sick and tired of him and his methods. Why did he shut the girl's mouth and not allow her to utter a word since the day I went away?"

"Really, Miss Mapes, I can't discuss that. It's part of his policy."

"It's part of a bad policy, I say. He ought to have allowed her to tell everything she knew. I believe it was my going away which first started suspicion against her, and Betty Field's mysterious disappearance made more mischief, so we've come back to undo it."

"What! The Field girl hasn't come back, too?"

The question was an incredulous whisper of dismay.

"She certainly has," was the calm rejoinder.

"She is here now."

"What! In this house? Good God!"

The girl listening at the window clasped her hands and cowered as she heard the frightened exclamation, and for some seconds there was deep silence. But when the man spoke again his voice had recovered its composure.

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"Does the other side know you're here yet?" he inquired.

"I'm sure I don't know. Probably not."

"Then there's time yet. Make the most of it, Miss Mapes. Go, and take the Field girl with you. I've no doubt you've acted with the best possible intentions, but you're on the verge of making a terrible mistake."

"What? Go away and leave Miss Alice alone, and let them say what they please about our disappearance? Not much! I've done with Barstow!"

"Don't say that, Miss Mapes," the man protested; "Miss Emory has perfect confidence in him."

"Well, I haven't. He got her into this mess, and I won't trust him to get her out."

"Very well, madam"—the man's voice hardened with the words—"if this is your final decision you must take the consequences, whatever they may be. Mr. Barstow knows more about you than you think, and though he would very much regret to involve any one else in this case—and you will bear witness that he has always guarded your interests as scrupulously as though you were his client—he cannot be hampered in his defence, madam, and I tell you plainly he will not be."

"Barstow says all that, does he?" snapped the woman. "Well, you go back and tell him I'd rather trust a jury than him any day in the week, and you can tell him, too, that if I were dying for want of advice, and he was the only man in the world to give it, I'd die decently without it."

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The girl cowering beneath the window-sill sank on the ground as she heard the housekeeper's impassioned words, and her stifled sobbing was plainly audible to me in the intense stillness. Then a chair grated along the kitchen floor as the visitor rose to his feet.

"It's too bad you should allow your personal prejudices to influence you at a time like this, Miss Mapes," he observed, calmly but remonstratingly. "To interfere with a lawyer at an important crisis in a case of this sort is a serious matter. I don't know why you assume to be wiser than Mr. Barstow; but perhaps you have private reasons which are convincing. However, you have assumed the responsibility and must abide by it. I only hope it may not prove insupportable. Good-night."

"Good-night, Mr. Hunt. I'll be here when anybody wants me."

The visitor made no audible reply, and I heard him cross the room, followed by the housekeeper.

The woman on the ground did not move at once, but at last she rose slowly and turned to the door. As she reached it Miss Mapes appeared upon the threshold. Instantly the younger woman flung herself into the housekeeper's arms.

"Oh, I'll do anything, say anything you wish, dear Miss Mapes!" she whispered, excitedly. "But oh, I haven't any courage! I haven't any at all!"

Miss Mapes gathered the sobbing girl to her breast.

"I haven't any, either, child," she whispered, and her voice was choked with tears.

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For a few moments they remained clasped in each other's embrace, and then the elder woman disengaged herself, and, supporting her companion, passed into the house.

The instant they disappeared I darted into the screen of trees, but I did not breathe easily again until the Shaw farm-house lay many miles behind me.

## VI

I WAS tired and hungry when I reached home, but I could scarcely touch the tempting supper which awaited me, and when I tried to sleep, the end of an hour's wakeful tossing found me nervously excited and unstrung. At last I rose, and, wrapping a bathrobe about me, settled down at my study-table to lose myself in work. But the papers I had left with such reluctance in the morning no longer had the slightest charm or interest. The realm of Persian poesy appeared empty and unreal beside the living, practical world with which I had been in touch. The drama and passion of fancy had become shadowy and dull when contrasted with the flesh-and-blood tragedy which had been forced upon my attention. All my delving in the past for remnants of forgotten lore seemed petty in the light of my newly-acquired responsibilities, and, instead of calming my nerves by returning to familiar themes, I merely developed a fine contempt for them and for myself as a foolish potterer with matters not worth while.

At last, exhausted by the fruitless effort to divert my mind, I abandoned the attempt and settled back in my arm-chair to review the events of the day with



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such calmness as I could command. It was idle to deny that my desire for first-hand information had placed me in a very embarrassing, if not a humiliating, position. The gravity of the situation, however, aided me to a solution, for as I thought over what I had heard I saw that I could not conscientiously retain my seat in the jury-box. As this aspect of the affair dawned upon me, all my irritation and nervousness disappeared, and with an apologetic good-night to my abused volumes I returned to bed, and straightway fell asleep.

Immediately after breakfast the next morning I started out to find Judge Dudley and tender my resignation from the jury, and, much to my delight, I learned that his Honor's residence was only a few miles from Hefryville.

At the Judge's house, however, I was informed that the owner had gone to the city and would not return until Monday evening after the adjournment of Court. Though disappointed at this I was not discouraged, and, learning that the prosecutor lived near Pollicet, I resolved to tell him why I could take no further part in the Emory case, and ask him to present my excuse to the Court. The journey to Pollicet would spoil a morning's work, but I knew it would save me the longer trip to Melton on Monday, and until I had disposed of this business I had little hope of concentrating my mind on other things.

But at Pollicet I met with another disappointment. Mr. Gilbert, it appeared, had gone out early

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in the morning, leaving word that he might not return for luncheon.

"An' I reckon he won't," concluded the colored gentleman who supplied this disheartening information.

I eyed the fellow sharply, and detected a knowing smile hovering on his lips.

"Did he leave word where he was going?" I asked, with sudden inspiration.

"No, suh. He done leave no word," asserted the darky, with broadening grin.

"Well, do you know where he is?" I inquired, anxiously.

"I 'specks I could make a right smart guess, suh."

"I've got the mate of this for you if your guess is right," I asserted, tossing him half a dollar.

He caught it deftly, his eyes sparkling merrily.

"I reckon you-all may's well give me the rest now, boss," he grinned; "save yo' drivin' back—'deed it will," he concluded, with a chuckle.

The sound of his musical laughter reminded me of his master's, and I had not the slightest doubt where Deake Gilbert had acquired his infectious gift of mirth.

"Out with your guess, and, if I think it's good, maybe I'll pay you in advance," I said.

The darky made no immediate answer, but after a few embarrassed chuckles glanced up at me with a confidential wink.

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"Reckon he's down to Mis' Frayne's, boss," he vouchsafed, and started chuckling again, but the expression of my face evidently made him think I mistrusted his information and that his contingent fee was in danger.

"He's down there suah, boss," he asserted, with convincing earnestness.

"Very likely you're right," I answered, coldly, and, tossing him the other half-dollar, I drove on.

For a while I flouted the idea that I was unpleasantly affected by the knowledge of Gilbert's whereabouts. How could I possibly be annoyed by finding the man I was seeking? Nothing could be more unreasonable and absurd. Nevertheless, it was a fact. But when I admitted this to myself I was unable to assign a reason for my irritation, and concluded with no little internal rage that I was not in the least disturbed.

Less than half a mile separated Gilbert's cottage from the Fraynes', but in that short distance I was so busily engaged in combating my ridiculous state of mind that I completely forgot the object of my errand, and I must confess I did not immediately recall it when I heard a cheerful shout as I turned in at the "Heathercote" gates and saw Barbara Frayne running across the lawn to meet me. In another moment she had bounded into the seat beside me and was shaking my hand most cordially.

"This is a welcome surprise, Sir Knight!" she exclaimed. "I've been blaming myself because I did not insist upon your staying for dinner last night.

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It was nothing less than inhuman to allow you to go on. Mother said so, too, and when I mentioned your name father declared I ought to be ashamed of myself for not knowing that you were the most distinguished writer of the day on—on—”

Miss Frayne paused and gazed at me with an expression of dismay.

“Isn’t it dreadful!” she gasped, putting her hand to her forehead.

“What is dreadful?” I inquired.

“I’ll tell you in a minute!” she exclaimed, laying her hand on my arm as though warding me off. “You’re the most distinguished writer of the day on—on—on Peasant Pottery!”

“I’m sure I wish I were,” I answered, laughing.

“No—of course not!” she exclaimed, with tragic earnestness. “What am I thinking of! Wait a minute and I’ll have it!” she cried.

“I’m not a distinguished writer on anything,” I protested. “Your father has made a mistake.”

“I’m not sure of that,” she replied, doubtfully; “but I know it is friendly and forgiving of you to call, and—”

“But, to tell the truth, Miss Frayne—” I began, with some embarrassment.

“Don’t, if it’s not gallant,” she interposed, laughingly. “You know I look upon you as my knight, and I refuse to allow you to spoil the romance of my life by saying you’ve lost your way again and just drove in by accident.”

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"No, but I came to see Mr. Gilbert," I blurted out.

"Mr. Gilbert?" she exclaimed, wonderingly, her cheeks flushing hotly. "Why should you think—"

"I heard that he was here," I answered, in some confusion.

"I thought you didn't know him," she began, reproachfully.

"I don't, really," I answered. "It is a matter of business which brings me—"

"I ought not to have spoken of him as I did yesterday," she interrupted, with dignity. "No doubt he is doing what he thinks is right, and, even though we cannot remain friends, it wasn't fair—"

"Your confidence will go no further," I hastened to assure her.

"But I ought not to have been confidential," she insisted, self-accusingly. "And I don't know why I was, unless your sympathetic attitude led me on. You were sympathetic, weren't you?" she demanded, wistfully.

"I certainly understood how you felt," I answered, smiling.

"Yes, you did—didn't you?" she continued, eagerly. "I felt drawn towards you—you seemed to invite my confidence and— No—that wasn't it at all!" she exclaimed. "I just talked too much and too thoughtlessly, and that's all there is about it."

"No harm has been done in any case," I asserted. "Is Mr. Gilbert still here?"



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"Yes, he's in the library with father. They are great pals, and he is very much at home here."

"Your welcome would insure that," I answered, jesuitically.

"My welcome is not all things to all men," she rejoined, oracularly.

"It is everything to me," I responded, and then paused, appalled at my asininity.

"Spoken like a true knight!" she exclaimed, with saving lightness. "There's father now."

We drew up at an old-fashioned country-house, and I was immediately introduced to Colonel Frayne, who greeted me most cordially.

"My daughter has told me of your courtesy to her, Mr. Lambert," he began, "and I feel I already know you through your books."

"Mr. Lambert says you are mistaken, father," interposed Miss Frayne. "It isn't he who writes on Peasant Pottery."

"Peasant Pottery!" laughed Colonel Frayne. "I told you 'Persian Poetry.' Did you ever know such a girl, Mr. Lambert?"

"I have never been so fortunate before," I replied.

"Bravo, Sir Knight!" cried Miss Barbara, clapping her hands in mock applause.

"I warn you, Barbara," Colonel Frayne observed, "that Mr. Lambert's Persian friends were the greatest flatterers the world has ever known."

"Then, when I've read all his books, I should

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be able to ask a very pretty pardon for not having done so sooner," she replied. "Do you think you will be able to forgive me?"

"Without the penance, if there is anything to pardon," I responded, offering my hand. She placed her fingers in mine, but almost instantly withdrew them.

"Here is the man you've come to meet," she announced, as Gilbert appeared in the doorway.

The situation was decidedly embarrassing. I was not sure that Gilbert would remember me, and I could not discuss my business before our hosts. Moreover, I had every reason for wishing to make no announcement of my connection with the Emory case until it was a thing of the past. The prosecutor, however, recognized me at once and placed me entirely at my ease.

"Good - morning, Mr. Lambert," he called out. "You're the right man in the right place, and you've arrived just in time to settle a dispute between Colonel Frayne and me—"

"It hardly amounts to a dispute," confidently interrupted the colonel.

"I agree with you for once," laughed Gilbert. "I should have said you've come in the nick of time, Mr. Lambert, to correct our host's interpretation of the lines of 'Hamlet' reading—"

"I'm afraid I'm no authority on Shakespeare, Mr. Gilbert," I protested.

"No expert is required to settle this point," asserted the colonel. "Here, I'll fetch the book—"

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"Now, father," interrupted his daughter, "before you draw Mr. Lambert into this discussion I want to tell you that he has come to see Mr. Gilbert and not us. Suppose we drive his horse to the stables while he disposes of his business."

She drew the old gentleman's arm through hers as she spoke and led him towards the buggy.

"Here! I protest, Miss Frayne," interposed Gilbert. "This is most unfair. You've heard your father worst me a hundred times, and to cover his retreat at the moment of my most spectacular triumph is giving aid and comfort to the enemy, which is most provocative of war."

"I never professed to be neutral."

"But I propose an armistice and arbitration."

The girl looked up at her father.

"Are we to accept terms from the vanquished?" she demanded.

"There's a partisan for you!" laughed Gilbert. "She doesn't know what the question is, but she is sure her side is right."

"I'd rather be loyal than judicial."

"Why not be both and be fair?"

"Now, you two! If we wait until you finish skirmishing we'll be here all day," interrupted Colonel Frayne. "Come, Barbara, if we're going to the stable. Of course you'll stay to lunch with us, Mr. Lambert?"

Without waiting for my answer, Miss Frayne touched the horse with the whip and started off with

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her father for the stables. As they disappeared I turned to the prosecutor and immediately broached the subject of my errand.

"I followed you here this morning, Mr. Gilbert," I began, "for the purpose of speaking about the Emory case, and—"

"But you mustn't," he interrupted, good-naturedly.

"I certainly must," I insisted, seriously. "Since the Court adjourned yesterday I have unwittingly heard certain things which compel my resignation from the jury."

"Your resignation?" he repeated, smilingly. "We've no right to talk about this case at all, you know," he added, warningly, "but—"

"But necessity knows no law," I interrupted. "I cannot act as a juror any longer, and I would like you to present my excuses to the Court."

Gilbert struggled to keep a serious face, and he succeeded fairly well, but I could see he was amused, and the fact annoyed me.

"I hope you won't think me discourteous, Mr. Lambert," he responded, "but I really cannot listen to you on this subject. If you've anything to say about resigning, you must say it in person to the Judge. He is the only one who can properly hear you, and he alone can discharge you from duty. In the mean time, let us taboo the subject."

I was too provoked by this summary disposition of the business to answer at once, but Gilbert pre-

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vented an awkward pause by some tactful observations on the inconveniences to which jurors were subjected and the impossibility of avoiding them. His handling of the situation was so easy and sympathetic that I was speedily mollified, and when he shifted the conversation by asking how long I had known the Fraynes I replied that I had met Miss Frayne for the first time only the day before.

"Then you must be her knight-errant," he hazarded.

"I happened to meet her after her mishap, and drove her home," I answered.

"That's what I mean," he responded. "She called you her knight-errant, and was so enthusiastic about your chivalry that I dubbed you a knight of the road who had stolen her heart—which made her perfectly furious."

I tried to smile appreciatively, but the remark and the tone and manner in which it was voiced infuriated me. Gilbert was scarcely two years my junior, yet he was talking to me as though I were a toothless old man.

"I'm surprised you've never met Colonel Frayne before," he continued, affably. "He is a remarkably well-read man, and his library is very unusual. Come in and take a look at it."

There was nothing in Gilbert's manner to warrant the suspicion that he was manœuvring to immure me in the library while he monopolized Miss Frayne, but a spirit of opposition possessed me, and



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I would not have followed any suggestion of his no matter what it had been.

"No, thank you," I answered, coolly. "I see so much of books—"

"I understand," he interposed. "But Colonel Frayne's collection is such a rare one I thought it might interest you."

"Even the book-worm will occasionally turn," I retorted, meaningly, but my shot miscarried, for the prosecutor merely laughed politely and let the subject drop.

I might as well have been gracious, however, for the moment Colonel Frayne reappeared he carried me off to the library, and Gilbert was left in possession of the field.

My host certainly had one of the finest private collections I had ever examined; but I confess I spent most of the morning in artfully arousing his interest in my own small library, and it was not until he had declared that he would drive over to Hefryville with Miss Barbara the very next day and have a look at it that I took any real pleasure in his scholarly shelves. Having executed this flank movement, however, I became genuinely absorbed in the colonel's treasures, and he soon left me to my own devices. When I looked up and discovered that I was alone, I rose and moved towards the door. There was no one in sight, but the sound of an old-fashioned and vaguely familiar tune came floating to me from the music-room, into which Gilbert and Miss Frayne had disap-

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peared as the colonel started me off for the library. I slipped into the hall, book in hand, and followed the sound of the piano, determined that Gilbert should not have everything to himself if I could help it. Moreover, I was really curious to know what song Miss Barbara was playing.

But as I glanced through the door I saw that Gilbert had everything to himself, for he was the only occupant, and it was he who was softly fingering the keys. I watched him for a moment, and then tiptoed into the library again, and as I retreated the words of his ballad followed me:

“My only books are woman’s looks,  
And folly’s all they’ve taught me.”

## VII

THE Sunday which Colonel Frayne and his daughter spent at Hefryville was in every way ideal. If the sun had ever shone before in all its glory, I had not been conscious of its wondrous beauty; if other autumn days had been as clear and bracing, I must have remained cooped up in my library and missed their invigorating impulse. Scarcely a breath of wind stirred the crimson and brown foliage massed upon the hill-sides, and yet the atmosphere was invigorating—exhilarating—intoxicating to the point of exaltation.

Never shall I forget the sense of serenity which pervaded our valley as Barbara Frayne and I viewed it in the wondrous light of that glorious afternoon. Nature, relaxed and dreamy, seemed waiting with a deep, indrawn breath of joyous contentment for her well-beloved sleep. There was nothing ominous to me in the trancelike calm, and I am glad there was not, for any premonition of the future would simply have deprived me of an inspiring memory without fore-arming me against the coming of events.

It was difficult to recognize my breezy comrade of the preceding days in the quiet, womanly girl who

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became my guest at Hefryville. Yet the two personalities were not irreconcilable. Barbara Frayne was a natural being who shared nature's moods and responded to its influence. She was a living protest against convention—a grateful relief from the tyranny of consistency. There is an aching dulness about people who are always themselves—or always their best selves, or always their true selves. One could never be sure that Barbara was her best self—her possibilities were too limitless for prophecy. One could not swear that she was ever her true self—she was too many-sided for a single point of view. But one always knew that she was genuine, no matter in what guise the witch appeared. I think I understood this instinctively, for I experienced no surprise when I found she offered me at Hefryville the quiet, thoughtful companionship of a matured woman.

There was little need to entertain Colonel Frayne. Once in my library, he was anchored; for my books, though few in number, appealed to his particular interest, and he resisted all our efforts to drag him out-of-doors. At another time I would have taken pleasure in exhibiting my treasures to him in person, but his daughter's delight in our scenery led me far afield, and we spent the day exploring the neighborhood, of which I knew almost as little as my guest. Indeed, I had to confess that I had never investigated its beauties until that day.

“Aren't you ashamed to admit it?” she exclaimed, as we reached the crest of a hill from which the coun-

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try could be seen rolling for miles below us in all the soft-toned colors of an Oriental tapestry.

"I am glad I have waited until now," I replied; but she did not ask my reason, and I doubted if she heard the answer, for I could see her eyes following some sportsmen crossing a field below us, the sunlight flashing from the polished barrels of their guns, and she suddenly turned to me, her face flushing with indignation.

"How can men kill anything such a day as this!" she exclaimed. "They must be worse than brutal! Even beasts don't kill one another for mere sport."

I shook my head assentingly.

"And yet some of the gentlest and most sensitive of men are sportsmen," I suggested.

"They must be brutal at heart," she asserted.

"Not necessarily," I answered. "The matter is much more complex than that."

"I don't think it's complex," she replied. "Men shoot harmless animals for sport because they are essentially brutal, and can't or don't want to live it down. Isn't that the whole truth?"

"I hardly think so," I answered, smilingly.

"Well, I've heard plenty of reasons for the complexity, and never one excuse," she maintained. "But then, perhaps, as Mr. Gilbert says, I have no reasoning powers."

"He was teasing you," I suggested.

"Indeed he wasn't," she asserted. "He was defending some of his own complexities. I wouldn't



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like to be a lawyer," she continued, musingly. "Would you?"

"I don't think I should," I admitted. "There is a certain fascination in matching your mind against another's in actual conflict, and the law affords about the only opportunities for this, but—"

"But think of hounding a human being to death! Everybody has a horror of an executioner, but the lawyer who provides the victim is highly respected, and has no need of a black mask. Is that another complexity?"

I made no answer, for I recognized the dangerous tendency of the conversation; but after a few moments' silence she continued as though I had replied.

"I dare say you are right," she admitted, reflectively. "Deake Gilbert isn't essentially brutal. He wouldn't intentionally hurt any one's feelings, I suppose; and yet—and yet he will murder a woman like Alice Emory!"

Her puzzled tone lent startling bitterness to the words.

"You mustn't say that!" I burst out, impulsively. "It isn't right or fair."

She started at the sudden attack, and her cheeks crimsoned.

"Perhaps I should not have spoken so forcibly," I began, for I was a bit alarmed at my own vehemence. "But I could not bear to hear you say such a thing, because—"

"Please don't apologize," she interrupted. "You

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make me feel more guilty. Of course, I ought not to have said anything of the sort. I'm very, very sorry. But it all seems so strange and contradictory to me I can't reconcile myself to the situation. Perhaps some day I may understand. But now everything seems cruelly wrong. You see, Alice Emory is one of my best friends. Let me tell you about her. Some years ago—"

"Please stop!"

The words were almost a cry of distress, and the girl drew back in surprise and alarm.

"We must not speak of this matter now, Miss Frayne," I continued, more calmly, "and when I tell you why you may never want to speak to me again; and I am solely to blame, for I should have told you at once that I am the foreman of the Emory jury."

"You are on the jury!"

Her whisper was an exclamation of incredulity and dismay.

"Only temporarily," I protested. "I tendered my resignation to Mr. Gilbert yesterday, and I go to Melton to confirm it to-morrow. But I have been accepted as a juror, and until I am released I have no right to hear anything about the case."

"Why didn't you tell me?" she whispered, and then suddenly paused.

"I should have done so," I admitted.

"Oh, you couldn't!" she gasped, a note of teary laughter in her voice. "I—I said jurors were—were half-idiot!"

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"The half of me which is not idiot enables me to resign," I responded, lightly; but even as I spoke her face assumed an expression of the deepest gravity.

"Oh, you mustn't!" she protested, earnestly. "You mustn't resign."

"I have practically done so already," I replied, conclusively.

"You must not! You must not, indeed!" she whispered, gazing earnestly into my eyes. "With you on the jury there would be no danger. I trust you absolutely. You have the intelligence to understand and would make the others see. Promise me you won't resign! Promise—promise me!"

She laid her hand pleadingly upon my arm as she spoke, and the expression of her face was startling in its intensity. I returned her gaze with blank astonishment, and then, slowly comprehending, I sorrowfully and sympathetically shook my head.

She turned away, but I could see that she was greatly excited and distressed, and although I struggled to find some word to soften my refusal I could think of none.

"If I had known you longer!" she burst out, at last, "I would know how to ask this of you—"

"If I had known you longer," I returned, impulsively, "I would dare to say that anything I could do I would gladly do for your mere asking. But this—"

I paused, fearing that I had already said too much and said it badly. It was she who broke the long

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silence which followed, and when she spoke her voice had regained its usual calmness.

"I had no right to urge you against your judgment," she began, "nor to speak as I did—"

"You have every right which I can give," I interrupted, warmly, "and I am more than sorry—"

"Please forget what I asked," she responded, quietly.

The note of distress in her voice could not be disregarded, but I chose my own method of retreat.

"I do not want to forget any part of this day," I protested.

She rose and stood behind me, silently gazing out at the peaceful landscape; but I was loath to give even a suggestion of returning to the house and remained seated at her feet.

"It has been glorious—hasn't it?" she exclaimed, at last. "Don't you fairly love those colors?" She spread out her arms to the distant hill-sides as she spoke. "And there hasn't been a cloud in the sky."

"Only one," I answered, without looking skyward.

"And that has gone now," she asserted, cheerfully. "Look at the friendly little moon watching us. Not that way, stupid! That's unlucky! Over your other shoulder!"

With her hands covering my eyes it took some little guidance to turn me in the safe direction.

## VIII

I CONFESS that I had some thought of driving to Melton *via* Pollicet in the morning, but on reconsidering the matter I decided to take the shortest road to the county-seat and return by the round-about way later in the day. Various considerations urged this change of plan, but my chief concern was to rid myself of all connection with the Emory case before I again saw the Fraynes.

The little town of Melton was in a bustle of excitement and expectancy as I drew up at the hotel. People from all parts of the county had been arriving all the morning, and the very limited accommodations for visitors were taxed to their utmost capacity. The regular session of the Court—always more or less of an occasion and market-meeting for the surrounding country—had not only attracted the usual local gathering, but had also drawn reporters from the city newspapers and the small mob of city idlers which follows in their wake at the beckoning of sensation. I found that I was already a person of some importance to the expectant throngs assembled in the hotel lobby. More than once, as I elbowed my way to the office desk, I heard myself alluded



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to as "the foreman," and in some instances the comment was not altogether flattering.

"What? Not that hatchet-faced bean-pole in the city clothes?" whispered a voice behind me.

"Yes—hush!" cautioned another speaker.

"Um! Glad he's not sitting on my case, aren't you? Too clean-cut, soft-handed—and hard-hearted—eh?"

"You can't tell. I like 'em with blue-jeans and whiskers myself most of the Term, but occasionally you find one of his kind who's soft as a poached egg."

I ran the gantlet of my critics at last, and, reaching the office desk, inquired for Judge Dudley. He had gone to his chambers in the court-house I was informed, and a few minutes later I presented my card at his door.

The Honorable Cephas Dudley was a judge who sustained the dignity of his court in his own person. Indeed, it was said that his protruding lower lip could hold court all by itself. Certainly a less distinguished-looking man would never have dared to appear in the garb which his Honor habitually affected. His rusty old broadcloth coat, low-cut waistcoat, and black shoe-string tie with absurdly long ends would have excited ridicule in another person. But no one ever thought of laughing at the Honorable Justice Dudley. The majestic personality of the man forbade the thought of such a liberty. His face was parched and so wrinkled that the mere

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thought of his shaving made one shudder, and yet his chin and lips were always most scrupulously clean. His hair, brushed straight back from his forehead and covering his coat-collar, was perfectly white, and a white fringe of whiskers bristled upward from his neck, but his eyes, hawklike in their brightness, showed that he was still mentally alert and vigorous, and his bearing was that of a young man. In a word, Cephas Dudley was a gentleman of the old school, familiar with all the rights and duties of his profession, and incidentally acquainted with every trick of the trade.

His Honor received me most courteously and unceremoniously, but the moment I stated my errand he became ridiculously formal. He could not consider my communication at all, he announced, except in the presence of counsel, and despite my earnest protests a messenger was instantly despatched to hurry Gilbert and Barstow to the Court. In the mean time he rang the bell and ordered the official stenographer to attend and take down every word uttered by any person during the hearing.

All this formality and red tape annoyed and embarrassed me, and it was some moments before I recovered my self-possession. Gilbert's pleasant greeting when he entered the room and his informal manner helped to place me at my ease, but I resented the Judge's absurd solemnity, and the atmosphere of mystery and precaution with which he invested the simple business of my resignation.

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By the time Barstow arrived, however, I was more impatient than embarrassed, and the moment the Judge directed me to make whatever statement I desired I hastened to explain that since the adjournment of the Court certain communications had reached me which disqualified me from acting further in the case, and I therefore tendered my resignation as a juror. I then started to give a detailed account of my experiences, but the Judge instantly cut me short.

"Wait a moment, Mr. Lambert," he commanded. "We do not want to know what you heard—at least not yet. First tell me, sir, if you have formed any opinion of the guilt or innocence of the accused."

"No, sir. I cannot say that I have," I began; "but—"

"Wait—wait!" he interrupted. "Have you learned anything concerning this case of your own knowledge?"

"No, sir," I answered. "But I heard—"

"Wait—wait!" he again interposed. "Don't repeat what you heard, Mr. Lambert, but tell us whether or not it has had such an effect upon your mind that you cannot render a fair and impartial verdict in this case."

The Judge's repeated interruptions were exasperating, but I swallowed my indignation as best I could.

"It has made an impression on my mind, Judge Dudley," I answered, with dignity. "But I will not

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admit that it or anything else could render me incapable of fairness."

His Honor pushed back his chair from the table and tossed aside the pen-holder with which he had been threatening me.

"Do you gentlemen wish to examine Mr. Lambert any further?" he inquired, turning to the lawyers.

"I do not," answered Gilbert, promptly. "I believe Mr. Lambert is in every way qualified to serve in his present position."

I glanced at Barstow, who had been studying me ever since he entered the room, and after our eyes met he continued his scrutiny in absolute silence. It was embarrassing to be inspected in this manner, and I felt peculiarly uncomfortable under his searching gaze.

"I am not afraid to trust my client's life to this gentleman," he announced, at last, with impressive solemnity. "I believe him to be both conscientious and capable, and I am convinced that he will do his whole duty."

I was so relieved when the man transferred his eyes from my face that I did not immediately realize the effect of his words. It was Judge Dudley's comment which roused me to my danger.

"I quite concur in your opinion, gentlemen," he remarked. "Now, Mr. Lambert, return to your place in the jury-box, and hereafter do not permit yourself to listen to anything outside the courtroom bearing directly or indirectly on this case."

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I heard this calm disposition of the matter with speechless astonishment and indignation.

"But, your Honor," I burst out, at last, "I must insist that my resignation be accepted. I could not possibly consent to act any longer."

The Judge's white eyebrows indicated surprise, but his voice was very calm and forbearing as he answered.

"Your judgment of the matter is not—er—well, it is not controlling, Mr. Lambert. In the language of diplomacy this incident is closed."

"Indeed it is not, and cannot be!" I asserted, boldly. "Further connection with this case would be exceedingly embarrassing for me, and—"

"Long trials are always embarrassing for jurors, Mr. Lambert."

The Judge glanced smilingly at the listening lawyers as he spoke.

"It is not a question of my personal convenience," I retorted, warmly, "and when you have heard what I have to say you will understand—"

"Now, Mr. Lambert," interposed his Honor, "I have indulged you further than perhaps I should have after passing on this matter, but I cannot allow you to continue any longer. The question has been heard and disposed of, and it will not be reopened. I wish you good-morning."

The Judge's protruding lower lip, now strongly in evidence, warned me to beware; but the situation was so desperate that nothing could intimidate me.



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"But I am disqualified, your Honor!" I protested, hotly. "I am positively disqualified, and you have no authority to force me to serve against my will."

My language could scarcely have been more unfortunate, but the old gentleman regarded me with a really superb show of dignity and reserve.

"The question of your qualification rests entirely with the Court, Mr. Lambert," he asserted, calmly, "and it feels entirely equal to the responsibility of its decision. I cannot discuss a question of judicial authority with a layman. You may now retire, sir; but I caution you to hold no communication with any person respecting anything which has passed within this room. I will open Court in a few minutes, gentlemen."

He rose as he spoke and passed into a rear room, leaving me standing mute with indignation and dismay between the opposing counsel.

I could not accept the situation; yet, what was I to do? My own rashness and folly were responsible for my predicament. I had hotly asserted that I could act with fairness and impartiality, but my answer had been given with no thought of putting myself to the test. Was it possible for me to remain uninfluenced by Barbara Frayne's interest in her friend?

Miss Emory had already made a favorable impression upon me, but it was impossible to forget that her warmest friend had entreated me to retain my place on the jury. The mere knowledge that some-

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thing was expected of me—that I was relied upon for help—embarrassed and rendered me incapable of showing even proper consideration to the prisoner. I could not extend the slightest indulgence to the accused, under the existing circumstances, without suspecting my own motives, and erring, if at all, on the side of the prosecution. In a word, I was the most dangerous juror who confronted the accused. Suppose I should be forced to render a verdict of guilty? Could any friendship survive such a blow? Gilbert was under a similar disadvantage, but his position was different. He was an official charged with a public duty and not directly responsible for the verdict.

My thought stopped as a sudden suspicion entered my mind and sent the hot blood rushing to my face. Gilbert was answerable for my present predicament! He could have obtained my release with a single word, and he had not uttered it. He had done more than keep silent. He had urged my retention, declaring in positive terms that I was qualified in every respect. He knew of my acquaintance with Miss Frayne, and doubtless had seen enough to make him seize the first opportunity to nip an inconvenient friendship in the bud. Was it possible, under the circumstances, for me to credit anything the man said? Would I not instinctively refute his every argument and doubt his most convincing proofs? *Was it not to my interest to do so?* If he had as strong a case as he claimed, I would either have to stultify

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myself in my own eyes or agree with his contention and end a friendship which involved my own happiness. I was hopelessly trapped.

"You take this thing far too seriously, Mr. Lambert."

Gilbert laid his hand on my shoulder as he spoke, but I impatiently shook myself free.

"We all recognize that jury-duty involves a good deal of sacrifice," he continued, calmly, "but I'm sure both sides appreciate having a man of your caliber in the box as foreman. Moreover, you can rest assured that Brother Barstow doesn't want me to hear what you learned about the case if it's against him, and I certainly don't want him to hear it if it's against me. So everybody's satisfied."

His jesting words were uttered with a friendly smile, but they grated on me, and I turned abruptly to the door.

"The law isn't a game!" I asserted, with marked severity, but Gilbert attempted to turn my reproof.

"It's sort of a game, isn't it, Barstow?" he inquired, with a comic expression of doubt.

The defendant's counsel shot an angry glance at his opponent.

"You'll find it a game that two can play at!" he retorted, menacingly, as he brushed past us through the door.

## IX

HAD I known as much law at the opening of the Emory trial as I did at its close I would never have resumed my seat in the jury-box, but at the time I knew of no alternative.

Moreover, despite all my exasperation and suspicion, I had a guilty feeling that I had not been entirely frank with the Court, for I knew very well that it was not my experience at the Shaw farm-house, but my acquaintance with Barbara Frayne which was the true source of my embarrassment. The conversations I had overheard had not vitally affected my judgment, but the new influence which had come into my life was too powerful to be ignored and too sacred to be lightly surrendered. I could not have explained this, however, in Deake Gilbert's presence without making myself ridiculous, but had I done so I would doubtless have succeeded in forcing my release. Certainly if I had told of Miss Frayne's attempt to retain me on the jury I would have been allowed to resign, but this disclosure might have cost her something more unpleasant than ridicule.

The court-crier interrupted these conflicting emotions as I resumed my place in the jury-box, and the

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audience rose as Judge Dudley entered the room and ascended the Bench.

Prior to my Melton experience I had pictured the Bench as a sort of throne cushioned and canopied with stately magnificence and reached by a flight of low, broad steps. And—yes—I remember there was always a generous display of ermine draped carelessly in the foreground. Even the expression “elevated to the Bench” had a mystical significance to my mind. I think possibly I associated it with “the elevation of the Host,” but, anyway, it conveyed the impression of a pompous ceremony befitting my conception of the judicial throne.

But the Bench of the Melton court-house was merely a cane-bottomed swing-chair placed before a large yellow table-desk which rested on an uncarpeted board platform six or eight inches high. This unpretentious daïs was, however, in entire keeping with the court-room itself, whose bare walls, ominously cracked ceiling, and rough, bare floor were not by any means impressive. Even the jury-box was no box at all, but merely a square pen, large enough to admit twelve highly uncomfortable chairs arranged in three tiers. This and the rail guarding the Bench, two tables, some chairs for the use of lawyers, and a number of pewlike settees for the public, comprised the furnishings of the Court. As a country school-room it might have passed muster, but as a Hall of Justice it lacked something of dignity.

That something, however, was supplied by the



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presence of the Honorable Cephas Dudley. The moment he entered, the place was transformed, all its meanness and cheapness disappeared, and as he stood behind the ugly yellow desk and bowed to the public and the Bar, I felt that the majesty of the law stood fully vindicated.

That austere old gentleman with his protruding lower lip and his rusty broadcloth made me realize for the first time the distinction between *imposed* and *constituted* authority. The pomp and trappings of power might be essential for the one, but they were wholly unnecessary for the other. His Honor was of the people, chosen not to rule them but to rule for them, and as an American I then and there confidently—almost gladly—submitted myself to his guidance and authority.

“Hear ye! Hear ye! Hear ye! All - pursons-havin’ - bus’ness - with - this - Trial - Term - Supreme - C’urt - held - in - an’ - fer - county - of - Melton - town - er - Melton - draw - near - an’ - give - yer-tention - and - yer - shall - be - heard!”

Gilbert rose as soon as the court-crier had gabbled his formula, and began the day’s proceedings by waiving the right to continue his interrupted address to the jury. He had concluded, he explained, that the outline of the story already given was sufficient to enable the jury to follow the testimony, and he would therefore proceed at once to the examination of witnesses.

The Judge nodded acquiescently, and Barstow in-

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stantly began another appeal for his client's discharge. The facts disclosed by the prosecutor's opening showed no case against her, he declared; moreover, there were technical flaws in the proceedings and errors of omission and commission which were fatal to the further continuance of the case.

This and much more Barstow submitted to the Court with evident confidence and sincerity. But though he supported his contention with many legal precedents, and made a long and earnest argument upholding his position, I could not see much force in anything he said. The Judge, however, listened attentively, and when the last word was spoken he turned expectantly to the prosecutor.

"Well, Mr. Gilbert, what have you to say?" he inquired, sharply.

There was a moment's pause, and then Gilbert rose slowly, his eyes twinkling with amusement.

"I have nothing to say, your Honor," he answered, gravely. "The counsel's argument is unanswerable. In fact, it reminds me of this ancient rhyme:

*"Let my opponents do their worst,  
Still my First Point is Point the First!  
Which fully proves my case because  
All Statute Laws are Statute Laws!"*

The Judge pounded the desk as Gilbert resumed his seat, but the laughter which greeted his reply was not easily repressed, and even when order was restored belated guffaws broke out in various parts

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of the court-room. Finally his Honor denied the motion for the prisoner's discharge, and Barstow, his face flaming with anger, again rose from his seat.

"I take an exception to your Honor's ruling," he observed, "and I deplore the levity which characterizes the prosecutor's conduct in a matter of life and death."

A hush instantly settled upon the crowded benches, and, heartily ashamed of my own participation in the mirthful outburst, I felt a sudden admiration for the man who had so signally turned the episode to his own advantage.

Then Gilbert called a witness to the stand and the fight was fairly on.

As I followed the proceedings of that first eventful morning, the prosecutor's jesting remark in the Judge's chambers frequently recurred to my mind. The law was apparently very like a game, and a game which not only taxed the mental powers of the players but also demanded great physical strength. Even the court-room itself, crowded to its very doors, suggested an amphitheatre whose audience watched every movement of the combatants with hungry interest, but with no visible sympathy for the woman over whose life the legal champions were battling.

Barstow concentrated his gaze on the jury-box as Gilbert began the examination of his first witness and scarcely relaxed his scrutiny during the entire morning. I am certain I paid strict attention to the testimony, but whenever my glance wandered from

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the witness-stand my eyes invariably sought his, and each time our gaze met I was conscious of the uncomfortable sensation I had experienced in the Judge's chambers. At first I gave it no thought, but little by little I felt myself becoming fascinated by his steady, searching gaze until I suddenly realized that his was the only face I saw whenever I glanced about me. Then it instantly flashed upon me that the man was attempting to subject me to his will. This discovery was disturbing enough in itself, but it was nothing to the thoughts which followed—coming like terrified whispers to my mind.

*Was Barstow resorting to such measures because his client was guilty?—She must be guilty!*

I strove desperately to rid myself of this conclusion, but it haunted me in spite of my every effort, and for a few moments I lost track of the testimony in the wild struggle for self-mastery. At last, however, I threw off the disturbing influence which had taken possession of me and regained my self-control. When I next looked at Barstow he held my glance no longer than I chose.

My mental defiance, however, had no visible effect on my would-be conqueror.

He still sat facing the jury, his heavy arms resting on the table, his head sunk between his massive, rounded shoulders, his square jaw bristling with its wiry red hairs. If he heard the testimony which was being given he gave no indication of the fact, and

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witness after witness left the stand without a word of cross-examination.

Plans of the Shaw farm-house were placed in evidence and submitted to the jury; the discovery of Mr. Shaw's body was described; the condition of his study, the escaping gas, the finding of the rug stuffed up the chimney, and the blotting-paper in the key-hole and crevices were all duly reported by competent witnesses without the slightest objection from the defence. Even when the Coroner and Dr. MacLean testified that Mr. Shaw's death was caused by some sharp, slender instrument which had been thrust into the brain through the eyeball, Barstow evinced no interest. It was left for Judge Dudley to bring out the fact that death must have ensued before the gas had been turned on, but although this inquiry seemed to offer a most favorable opportunity for cross-examination, the witness was allowed to retire with his conclusion wholly unchallenged.

Asked to describe the general nature of the instrument with which the fatal injury had been inflicted, Dr. MacLean stated that it must have been something like a hat-pin, a fine skewer, a knitting-needle, or a scarf-pin; but just what had been used he could not say.

A detective then took the stand and described his professional examination of the premises and his discovery that the window-pane had been tampered with and removed. The shingle from the veranda roof bearing the tell-tale candle-grease was produced



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for our inspection and several hairy cloth threads adhering to the surface of the wax were plainly visible. One of these threads was then extracted in our presence and handed to us on a white card under a magnifying-glass. The color was unmistakably blue. Instinctively I glanced at Barstow as this fact was established, but his expression indicated complete indifference.

The next exhibit was the window-sash of Mr. Shaw's study, and, using it to illustrate his testimony, the detective showed us how the pane of glass had been removed and replaced and how the bolt had been shot and the crevices stuffed with rags from the outside. The same witness described his search for the missing weapon and reported the discovery of a loaded revolver in Mr. Shaw's desk. This had been found lying in an open drawer, with a paper purporting to be the decedent's will made in favor of his wife Alice. No instrument such as the physicians had mentioned had been found in the study, but several hat-pins and scarf-pins were discovered in Miss Emory's room.

At the mention of his client's name Barstow instantly turned to the witness, but when Gilbert proceeded with marked fairness to elucidate the fact that hat-pins, hair-pins, scarf-pins, and darning-needles had been found in some or all of the women's rooms, he resumed his study of the jury without a word of comment.

Gradually the tactics of the two men became per-

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fectly clear to my mind. The prosecutor was establishing his preliminary facts clearly and simply, avoiding all possible reference to the defendant, but slowly and surely narrowing the proofs by eliminating all other inmates of the Shaw household from the field of suspicion. And Barstow, though apparently indifferent to the testimony, was evidently alive to the slightest word which threatened his client's interest. Thus he had allowed Gilbert to prove Shaw's death, the cause of his death, and the means by which it had been effected without dispute or question. There was nothing in all this which implicated Alice Emory more than any other inmate of the farm. But with these facts established I realized that a clash was imminent and that the real struggle was at hand.

## X

SLOWLY and cautiously Gilbert developed his attack, and I followed every movement with undivided interest. It was evident that his onslaught would be fierce and rapid when it came, for he carefully cleared the ground of all obstructions, without unmasking the point from which his assault would be delivered. Sometimes his advance almost touched the intrenched position confronting him, but he never once drew his adversary's fire or succeeded in feeling his hidden strength. Time and again I felt that Barstow must sally forth, but he remained quietly within his chosen lines eagerly watching and listening, but warily holding his forces in reserve.

A younger, less experienced lawyer could not have resisted some of the opportunities for cross-examination which Gilbert's witnesses afforded. More than one had taken the witness-chair too frightened to tell the truth even with the gentlest handling, and others feeling their self-importance had obviously stretched the strict limits of their knowledge. It required no experience to see that a cross-examiner could have discredited these witnesses and made a brilliant show-

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ing at their expense, and, although I knew it was not considered sportsman-like to "shoot mackerel in a barrel," I did not understand why Barstow spared the confident and conceited. I was yet to learn that the greatest cross-examiners ask the fewest questions, and that the paths to petty triumphs are often mined or ambushed. Barstow evidently knew the danger of unnecessary questioning, but he was yet to show me that no one could disregard it with impunity.

Having established the fact of murder, Gilbert proceeded to probe the history of the deceased and speedily uncovered his criminal career. How the man had lived unsuspected for more than twenty years was a mystery no one who heard the story could explain, but his defalcations were only too apparent at his death.

Barstow did not attempt to deny Shaw's speculations, but was evidently ready to resist all attempts to prove that his client had a guilty knowledge of them. At this point, however, when every one expected Gilbert to show that Miss Emory was familiar with her employer's secrets and knew he had good reasons for taking his own life, the prosecutor suddenly shifted his ground and essayed to take his adversary on the flank.

Recalling the architect by whom he had originally proved the plans of the Shaw farm-house, he inquired what means of retreat were open for any one who desired to escape from the veranda roof, assuming the study windows to be bolted.

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One way would be to climb to the roof of the house and descend through the skylight, the witness answered. That would require a ladder, would it not?—*It could not be done without a ladder. It would be difficult with one.* Because of the projecting eaves of the roof?—*Yes, and because of the steepness of the veranda roof, which almost prohibited the use of a ladder.* Very well, what other ways of escape remained?—*One might jump to the ground, a distance of twelve feet—or hang from the edge of the roof and drop, say, six feet.* Were there no supporting-columns to this veranda roof which a man might slide down? Not practicable because of the projecting eaves—eh?—

Were there any other exits?—*Certainly. If the window next to Mr. Shaw's study was open any one could pass through that.* That window led into whose room? The witness could not say whose it was. It was marked "Alice Emory" on the plan. There were no other practicable avenues of escape.

"Thank you. That is all. Your witness, Mr. Barstow."

Gilbert turned to the counsel's table, but his adversary had already risen and was waiting like a hound in leash—his eyes fixed fiercely on the witness.

The gage of battle had been offered and accepted.

There was a deathlike silence in the court-room as the lawyer faced the occupant of the witness-chair, and in memory I can still feel the nervous strain and tension of Barstow's silent cross-examination. I



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had expected an outburst—a tornado of questions which would sweep the witness from the stand and rip his testimony to pieces. But instead of the fury of assault there was the fearful comment of silence—questioning, accusing, damning silence which brought great beads of perspiration to the victim's forehead, leaving him dazed and helpless, and when Barstow addressed him he almost collapsed. But it was the mild tone of the questioner which threw him off his balance. He had braced himself for a shock.

"Are you an athlete, sir?" began the cross-examiner.

"An—an architect," was the startled answer, which evoked a ripple of laughter from the wrought-up auditors.

"Are you at all expert on the horizontal bar?"

The witness smiled gratefully at his questioner.

"Not at all, sir," he responded.

"Nor on the flying rings?"

"No, sir."

"You have seen remarkable feats of agility performed by athletes, I suppose?"

"Yes, sir—many times."

"Feats which you would have thought impossible had you not observed them?"

"Yes. Assuredly."

"You do not then regard as impossible of performance those things which you cannot yourself perform?"

The witness beamed a genial disclaimer.

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"By no means," he responded; "not at all."

"Then why, my friend, with the life of a human being depending on your answer, do you seek to give the impression that no one could escape from the veranda roof of the Shaw house except by passing through this young lady's room?"

Barstow swept his arm towards his client as he put the question, but his tone was appealing rather than reproachful, and the architect no longer felt alarmed.

"I did not say no other way was possible."

"'Practicable' was what I think you said, sir," Barstow asserted, with a swift, upward glance. "Have you not seen much more remarkable feats than that of climbing to the roof of the Shaw house from the veranda roof?"

The tone of the questioner should have warned the witness, but he received it with an indulgent smile.

"I think so," he answered, lightly.

"And yet those feats were 'practicable'?"

"Of course."

"And you have witnessed more marvellous performances than jumping or dropping from a height of six or even twelve feet, have you not?"

For the second time the architect refused his questioner's lead.

"It could not be done without leaving some mark in the flower-beds below," he asserted, directly, to the jury.

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Barstow shot an angry glance at the speaker and instantly changed his tone.

"Did I ask you anything about flower-beds?" he thundered.

"No, but—"

"Did any one ask you about them?"

"No, sir. But—"

"Are you so anxious to convict this young woman that you volunteer theories for her destruction?"

"No, sir. Not at all, sir. I—I—er—"

The witness was already in a flutter at the fierce flurry of questions. But the storm abated almost as quickly as it had begun.

"Well, sir?"

The prompting words had a magnanimous and reassuring sound, and the frightened architect cringed to them wagging for favor.

"I merely meant to say that an escape from the veranda roof except by the window would be difficult," he answered, lamely.

"Difficult for you—you mean."

"Yes, sir. Quite so. Precisely."

"That is all."

Barstow resumed his seat, and after a few questions from Gilbert, calculated to cover his retreat, the witness was about to retire when I requested the Court's permission to ask a question. Instantly the Judge recalled the witness and an expectant hush settled over the room, and embarrassed by the concentrated attention I could not immediately collect my

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thoughts. Finally, however, I recovered my self-possession and requested the architect to look at his plan of the Shaw house.

"There is a window in the ground-floor of the kitchen annex or wing immediately at the right of the veranda roof as you face the building, is there not?" I asked.

The witness nodded, but if he deemed a silent answer sufficient for an inquisitive juror he was speedily disillusioned.

"Answer the question, Mr. Witness," directed the Judge. "The stenographer cannot be expected to interpret dumb-show."

The man flushed angrily, and, answering in the affirmative, favored me with a glance of superiority.

"If the shutters of that ground-floor window were open," I inquired, "what would be the distance from the edge of the veranda roof to the edge of the nearest kitchen shutter?"

The witness glanced at his plan and calmly settled back in his chair.

"Really—I could not say," he answered, in a bored tone.

"Why not?" I demanded, with rising resentment.

"Because there are no shutters to the kitchen window," he retorted, quickly.

A roar of laughter greeted this response, and my face turned crimson as I endeavored to make myself heard above the thunder of the Judge's gavel.

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"If there are no shutters to that window it is not right—" I began.

"I am not responsible for the deficiencies of the house, sir," drawled the witness, and again the audience broke out in uncontrollable delight.

But I was savagely aroused, and the moment order was restored I rose from my seat flaming with indignation.

"There are shutters to that window!" I asserted, angrily. "I know what I am talking about!"

"Now, now, Mr. Lambert!" interposed the Judge. "You mustn't be witness and examiner too. Please take your seat, sir. I will settle this question. Haven't you a photograph of the premises, Mr. Gilbert?"

"Yes, sir," responded the prosecutor, pulling out a huge envelope. "Here it is—I offer it in evidence."

"With or without the shutters?" demanded Barstow.

Gilbert drew the exhibit from its envelope and hastily examined it.

"The window has shutters," he admitted, smilingly. Instantly the audience burst into applause, and never until that moment did I realize the exhilaration of popular acclaim.

I glanced gratefully over the room as the Judge and the attendants hammered it to order, and my eyes suddenly rested on Barbara Frayne, her face

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radiant with approval, and I flushed with pride and happiness. It was only for one glad instant that our eyes met, but when I turned away I knew that Barstow had divined the secret of my futile resignation from the jury.



## XI

AT another time Barstow's discovery would have caused me considerable anxiety and alarm, but at the moment of my little triumph it seemed of no importance. Indeed, the final outcome of my intervention robbed it of all satisfaction, for Gilbert speedily demonstrated that no one but an acrobat could have swung himself down from the veranda roof by means of the kitchen window-shutters, and the question I had raised was thus met and answered. But despite this I felt that Barstow and I had, between us, cast a doubt on one of the theories of the prosecution and interposed the first effective check to the aggressiveness of its campaign. Certainly the moral effect was a virtual victory for the defence, and it was noticeable that Gilbert proceeded with greater caution during the remainder of the day.

Having once given battle, however, he pressed his attack with bewildering rapidity. Without yielding ground he continually shifted his position, trying now a flank and now a frontal movement, and then suddenly circling and assaulting the rear. But skilful as his manœuvres were, Barstow's defence commanded equal admiration. Without the slightest indication

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of flurry or surprise he met the prosecutor's rapid and varied attack with counter demonstrations and an impenetrable guard. Try as he might to find the weak point in his adversary's line, Gilbert could not force his way to a vital spot, and the morning session drew to a close with Barstow in possession of the ground he had occupied at the moment of actual collision.

The fact of a murder had been conceded, and the defendant's opportunity to commit it was not seriously disputed, but every attempt to prove that she had had any greater opportunity than other inmates of the household was strenuously opposed.

Gilbert, however, was apparently satisfied that the location of Miss Emory's room and the difficulty of escaping from the veranda roof except through that apartment supplied sufficient proof of special opportunity, for he did not follow up this line of attack, but bent all his forces upon demonstrating the motive which induced the commission of the crime.

His first move met no opposition, and he speedily showed that Miss Emory had been Mr. Shaw's private secretary for two years before his death. Most of her work, it appeared, had been done at the farm, but occasionally she had attended at Mr. Shaw's office, and taken exclusive charge of all his correspondence. Indeed, it was proved that the decedent wrote very few letters except those he dictated to Miss Emory, and his private letter-press books showed that his secretary had her hands full in attending to his mail.

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But when the prosecutor attempted to put the copied letters in evidence, claiming that they contained ample proof of Miss Emory's knowledge of her employer's criminal career, Barstow fought tooth and nail against their introduction.

If such letters existed and copies of them were found in the letter-press books, was it fair, he demanded, to assume that Miss Emory had typewritten them or was otherwise familiar with their contents? When the prosecution produced a witness who could swear that he heard Shaw dictate any particular letter to the defendant, then she could be charged with a knowledge of its contents. But not till then. If it could be proved that she had read any designated letter it might be received in evidence against her. But the mere fact that a letter-press book had been found among the decedent's papers was no proof of the defendant's guilty knowledge of its contents.

Barstow made his argument with convincing earnestness, and the Judge promptly sustained his objections.

The decision had no sooner been recorded than Gilbert wheeled about, and with a sudden rush almost drove his opponent from the field.

A witness was placed on the stand who speedily qualified as one familiar with the defendant's handwriting, having frequently received letters from her and having seen her write. This fact established, Gilbert instantly offered one of the copied letters

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"for identification," and handed it to the stenographer who marked it with his initials and the date.

At this point Barstow rose and stood near the rail, his muscular hands twitching nervously and his eyes watching every movement of the enemy, as men behind trenches await the moment of final assault and hand-to-hand encounter. But he uttered no word of objection to Gilbert's preliminary proofs. Even when the witness was asked if he recognized the handwriting of certain words written in pen and ink on the page bearing the identifying marks, he was allowed to answer in the affirmative, but before he could say whose handwriting it was Barstow stopped him with a protesting roar. He must be allowed to cross-examine the witness, he declared, before another word was spoken. This line of testimony had gone quite far enough!

The defendant's counsel had gone too far, Gilbert retorted, warmly. No trick of interruption should be allowed to prevail at such a crisis!

"Trick!"

Barstow hurled the word at his opponent, and a rapid interchange of retorts followed which did not cease until Judge Dudley thundered the combatants from the floor. But the clash at close quarters had aroused the fighting blood of both antagonists, and Barstow's argument became a running fight, savagely maintained until he carried his point and gained the cover of a favorable decision.

If there was reasonable doubt of the witness's fa-

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miliarity with the disputed writing it should be removed before he was allowed to testify further, announced the Judge. The defendant's counsel must be allowed to cross-examine on this point.

With a glance of triumph at his opponent Barstow faced the witness with grim determination.

"How many words in the copy of the letter you hold before you are written with pen and ink?" he demanded.

The witness counted them, touching each word with his forefinger as he scanned the page.

"Six," he answered.

"How many words are there in the entire letter?" pursued Barstow, turning to the jury as he put the question.

The witness made another calculation.

"About one hundred and thirty," he replied.

"The words which are not in pen' and ink are type-written, are they not?"

"Yes, sir."

"You say you recognize the handwriting of the six pen-and-ink words—have you ever previously seen any of the same handwriting after it had been copied in a letter-press?"

"No, sir."

"That is to say, this is the first specimen you have ever seen as it appears in a letter-press copy?"

"Yes, sir."

"Is the formation of the copied words perfect to your eye?"

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"No—some of them are blurred."

"Indeed? What do you mean by blurred?"

"The ink has run or spread."

"Is the formation of any letter of the six words blotted out entirely by the spreading of the ink?"

"Yes, sir—several letters are obliterated."

"And do you mean to tell us that you are ready to swear, on the evidence of those six partly-obliterated words, who wrote them?"

The witness hesitated for an instant.

"I think I know," he answered, firmly.

"You are not asked to trifle with a human life by guessing, sir! You are asked for positive knowledge! Don't beat about the bush, man! Are you prepared, never having seen a press-copy of Miss Emory's writing, to swear she wrote those six blurred words?"

The man turned in his chair and looked appealingly at the Judge.

"I could not say positively who wrote them, your Honor," he admitted.

With a shrug of his shoulders Gilbert permitted the witness to retire, and the spectators buzzed and rustled their relief.

But though the prosecutor had failed to pierce his adversary's line he had produced an unmistakable effect upon the jury. I, for one, was firmly convinced that the defendant had made the disputed pen-and-ink corrections in the type-written letter, and that the letter itself contained facts which charged her with knowledge of her employer's crime.



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I stole a glance at Barbara Frayne, but turned away with a sinking heart as I noted her jubilant expression.

Gilbert must have been conscious of the effect he had produced, for he launched out on a new attack with fresh confidence and zeal.

Producing the paper alleged to be the will bequeathing Shaw's entire estate "to his wife Alice," he proceeded to show the document a forgery. Miss Emory's type-writer was placed in evidence, and it was shown that all but the signatures to the will might have been produced on the machine. Barstow nullified this inference by the manufacturer's records showing thousands of similar instruments in daily use. The paper on which the will was written was then shown to be of the style and quality used by the defendant in her work as secretary, and samples of the same material, found in her desk, were placed in evidence. Again Barstow's questions showed that millions of such sheets were in daily use and were purchasable everywhere.

Finally Gilbert placed one of the two witnesses to the will on the stand, and Barstow instantly closed with his adversary for a struggle to the death.

First he demanded that the other witness to the will, and all other persons who were to testify directly or indirectly on the subject of forgery, should be excluded from the room until their testimony was needed. This request having been granted by the Court, Barstow insisted that the excluded witnesses be

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placed in charge of an officer and forbidden to communicate with one another or with outsiders until they had given their testimony on the stand. Judge Dudley declined to accede to this, and his refusal met with a gruffly voiced "Exception!"

All these precautions and preparations warned me that Barstow regarded the coming testimony as of vital importance, and I then remembered that Gilbert had claimed that it was Shaw's discovery of the forged will which led to the commission of the crime. Plainly, then, the whole theory of the prosecution rested upon proving the document a forgery. A battle-royal was in sight.

The witness first upon the stand examined the paper which Gilbert handed him, glanced at his name written at the bottom, and pronounced the signature to be an imitation or possibly a tracing of his own. He had never witnessed this will or any other, he declared, and did not know that Mr. Shaw had made one.

His answers were brief, positive, unhesitating, and convincing. But if he expected his unqualified statements to pass unchallenged he reckoned without Barstow, and when he retired ten minutes later he left the stand an utterly discredited man.

Cross-examination made short work of his positive assertions and rendered his testimony almost worthless. Forced to admit that he had signed his name to all sorts of papers at Mr. Shaw's request, he could not remember any particular paper which he had at-

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tested, and was unable to point out any convincing differences between his signature as it appeared on the will and those he admitted as genuine. Finally he confessed that he might have signed the will, but had no recollection of doing so.

The second witness fared even worse, and under Barstow's rapid questioning he lost all confidence in himself and volunteered the suggestion that he might have signed the will with a lot of other papers, but if he had the matter had passed from his mind.

Not in the least disconcerted by the collapse of his chief witnesses, the prosecutor promptly called the paying teller of Mr. Shaw's bank, and after showing his familiarity with the signature of the deceased asked him if, in his opinion, the name Gregory Shaw subscribed to the will had been written by the murdered man. The answer was a positive and unqualified assertion that the signature was forged.

A deathlike silence prevailed in the court-room as Barstow rose to cross-examine. If the questions and answers had been whispered every word would have been heard in the farthest corner of the room.

"You say you have paid out thousands upon thousands of dollars on Mr. Shaw's signature in the past three years?"

Had the bank official witnessed the discomfiture of his predecessors he might have taken warning from Barstow's quiet manner, but he met the cross-examiner's scrutiny with a look of equal determination as he answered:

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"A great many thousands—yes, sir."

Barstow paused, and his eyes sought the floor as he framed the next question.

"Mr. Shaw's signature is one which could be easily imitated, is it not?" he inquired.

"No, sir. It would be exceedingly difficult to imitate."

Again the cross-examiner paused with downcast eyes as though disconcerted by the answer.

"So that you think you could detect any imitation no matter how clever the forger might be?"

"Yes, sir."

Barstow suddenly looked up.

"*Did you ever refuse to honor any check of Mr. Shaw's in his lifetime because you doubted the signature?*" he demanded.

The witness hesitated.

"If you will permit me to explain—" he began.

But Barstow was at him like a tiger.

"Answer the question!" he thundered. "Did you ever refuse to pay any check of Mr. Shaw's because you doubted the signature? Answer yes or no!"

The bank teller glanced appealingly at the Judge, but received no consolation from his Honor's impassive stare.

"Yes," he answered, in a low tone.

"Did you refuse to honor more than one such check?"

The question flew at the witness before he could add another word.

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"It happened several times—I don't remember how often."

Barstow stepped back, his face flushed with triumph, and his finger shot out at the witness's face.

"*Now, sir!*" he demanded. "*Were any of those signatures which you doubted subsequently acknowledged by Shaw as correct?*"

The witness colored angrily.

"Mr. Shaw assumed responsibility for those checks," he answered.

"*All of them?*"

"All of them."

"*And yet you are ready to swear his will is a forgery! That is all, sir! That is all!*"

There was an excited rustle and stir in the audience as the cross-examiner took his seat, and some overwrought individual shouted, "Bravo, Barstow!"

Instantly applause burst out from all sides of the room, and for some moments the popular feeling carried all before it. The prosecutor's case was clearly falling to pieces and the sympathetic audience was beyond control.

At last the Judge, having hammered his desk in vain, rose to his feet and threatened to clear the benches.

During the confusion Gilbert stood by his chair waiting for the audience to settle down, and then suddenly stilled it to breathlessness with a question of fearful import.

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"Do you recall to whom those suspicious checks of Mr. Shaw's were made payable?" he demanded.

"Yes, sir. *Every one of them was drawn to the order of Alice Emory—the prisoner at the bar!*"

The witness shot the words directly at Barstow, and his voice had a defiant ring. Instantly the situation was changed. In the moment of its triumph the defence had received its heaviest blow.

The answer fairly staggered me, and even when the Judge adjourned court and dismissed us for the day I remained seated while my fellow-jurors hurried from the box. As I rose to follow them, however, I noticed a woman pushing towards the prisoner, to whom Barstow was apparently whispering. As she neared the table she addressed the lawyer, and a rapid interchange of words followed. Then, suddenly, she raised her voice, and I recognized the housekeeper, Madeleine Mapes.

"Not if she's ill!" she insisted. "Are you well, dearie?" she whispered, peering over Barstow's screening shoulder. Then she drew back with a look of alarm.

"My God, man! Is she dead?" she gasped.

If ever I saw murder in a face I saw it in Barstow's as he turned and savagely pushed the woman into a chair.

"Shut up! You—fool!" he rasped. "She's only fainted!"



## XII

I HAVE always admired the ease with which business men lay aside their cares, but the rapidity with which my fellow-jurors shifted their grave responsibilities amazed and shocked me. Indeed, they no sooner passed the threshold of the court than they apparently forgot the serious duty resting upon them and began acting like a lot of school-boys at recess hour. The transition was too abrupt for me, and by the time we sat down to supper at the Melton House I found myself mentally estranged from my companions.

Men of a certain type fraternize at the slightest possible provocation. I remember when the *Teutonic* made her record trip across the Atlantic I was urgently invited to become a "Teuton," and many of my fellow-passengers were inclined to be offended because I did not feel moved to fall upon their necks and swear eternal friendship for all brother "Teutons," but I have never experienced the slightest response to clanship of this quality, and I would rather be considered snobbish than lose my self-respect.

The Emory jurors, however, were just the sort of

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men of whom "Teutons" are made, and they lost no time in assuring me that I'd miss a lot of fun if I took myself too seriously. *Fun!* Fun at a murder trial!

Of course flippancy of this sort was unworthy of any response, and I received it with a dignified silence and a glance of disapproval well calculated to carry its intended rebuke; but just as I was congratulating myself at having administered a sorely-needed reproof a voice at the far end of the table advised me "to come off my high perch and hop about with the rest of the cage for my health's sake," and this was followed by a promise that the rest of the jury would try to forget my high official position and treat me like an ordinary man if I'd "take the starch out of my neck."

The boisterous laughter which greeted these clownish utterances angered me, and I was on the point of expressing my opinion of the company in no uncertain terms when Theodore Bayne urged the others "to save their hot air and let the foreman thaw out by himself."

I do not remember whether this was the first mention of my official title or not, but from that moment I became "the foreman" to all directly or indirectly concerned in the Emory case, and the jurors promptly organized themselves into "The Chain Gang," each member exchanging his own name for the number of his seat in the jury-box.

Bayne, as "No. 2," was the leading spirit in all this

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nonsense, and it was impossible to squelch him, for he received every rebuff with a smiling countenance while he devised some other and more tactful method of approach. I have since learned that it was he who made the jurors stand solemnly behind their chairs until I took my place at table, and signalled them to their feet when I rose, in deference, he explained, to my high official station; and I will now confess that the little influence which I afterwards came to exert upon my fellow-jurors was due to his tact and tactics.

Although the restrictions which the Court had placed upon our movements suggested the title "Chain Gang," I am inclined to believe we were accorded more liberty than is usual in important criminal cases. It is within the province of a judge, I understand, to keep the jurors together in charge of a court-officer, and not allow them to communicate with the outside world at all during the continuance of a trial. The only restrictions placed upon us, however, were that we should not disperse to our respective homes without the express permission of the Court and that we should not talk about the case or listen to any conversation concerning it. This last rule made trouble for us from the very start, for the case was being discussed on all sides, and there was no apparent disposition in the Melton House to change the subject when we made our first appearance in the office, until Bayne sang out, "Fen talking about the foreman's case, boys, and let's be sociable!" and the laugh which greeted this warning not only

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released us from further embarrassment but served as a general introduction, and jurors, witnesses, lawyers, and miscellaneous guests of the hotel were soon seated around the big stove exchanging stories and experiences with all the zest and interest of life-long friends.

I hovered on the outside of this charmed circle for half an hour, and then, remembering that I had left Hefryville without making any provision for staying the night away from home, I slipped out to telephone my housekeeper and advise her of my needs.

The nearest public pay-station was at the railroad depot, the hotel clerk informed me, and as I walked in the direction indicated my mind reverted to the closing scene in the court-room.

I had been surprised that Barstow had permitted an adjournment without at least attempting to offset the damaging testimony which had been drawn from the last witness, but his fierce colloquy with Miss Mapes had supplied a startling explanation. Doubtless he had endeavored to conceal the defendant's collapse under cover of a hasty adjournment, and had it not been for the housekeeper's interference he would have succeeded in accomplishing his object. Even as it was I doubted if any other juror knew of the defendant's condition, and the ugly significance of that fact was therefore reserved for me alone.

But disquieted as I was by this unpleasant knowledge, the presence of Madeleine Mapes caused me infinitely more anxiety and alarm. The moment I

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saw the woman I realized what her appearance on the witness-stand might involve. She was evidently one of those well-meaning, meddlesome women whose over-anxiety would menace any cause if it did not ruin it. With the best possible intentions it was probable that she would prove a miserable witness for the defence, making indiscreet admissions and over-zealous denials which days of contradiction might not cure. Certainly she and the Field woman between them were capable of making a monstrous mess of the best-laid plans, and I did not blame Barstow for his anger and disgust. Moreover, if these women took the stand I might be compelled to question them upon what I had overheard at the farm-house, and this would entail embarrassment for me, even if it did not damage the accused. I had earnestly hoped that they had taken Barstow's advice and left the State, and their reappearance on the scene renewed all my former anxiety.

Suppose they testified and were allowed to leave the witness-chair without explaining the conversation which had passed between them in my presence. Was I in honor bound to call for testimony which the lawyers had not touched upon?

Again and again I resolved not to cross this bridge until I came to it, but every turn of my mind brought me back to the perilous starting-point.

I had never set foot in the Melton railway station until I entered it for the purpose of using the telephone, and I was therefore somewhat surprised to

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hear the ticket agent—an old Uncle Sam of a man—address me by name the moment I appeared in the doorway.

“Good-evenin’, Mr. Lambert,” he began. “I was jest a-sendin’ a message up to you.”

“A message to me?” I repeated. “How do you know it was for me?”

“W-a-ll, of course, I don’t actually know it,” he drawled, “but the party asked for James Lambert, and as you are the only Lambert in town I guessed you must be James.”

“You guessed right,” I answered, smilingly, “though I don’t yet understand how you knew me or any part of my name.”

“I seen you to the court-house this afternoon, and I asked who you was when you began devilin’ the architect feller,” he explained.

“I see,” I interposed, hastily, for I had no intention of allowing him to talk about the Emory case. “What was the message you spoke of?”

The man poked among the papers on his desk and finally uncovered a memorandum pencilled on the back of a bill. Then he calmly adjusted his spectacles, and carrying the paper to the nearest light peered closely at its contents.

“‘Telephone 22 *Pollicet* as soon as you kin,’” he read, at last.

“Telephone whom?” I inquired.

“Twenty-two *Pollicet*,” he repeated. “The lady didn’t give no other name,” he added, with a grin.



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"I don't know anybody—" I began, and then paused as a sudden thought struck me. "Why, of course!" I continued, hurriedly. "My housekeeper must have thought of telephoning me as I was about to ring her up. Will you be good enough to call her for me?"

The old man looked at me with a quizzical glance.

"At 22 *Pollicet*?" he inquired.

"That's the number, isn't it?" I responded, indifferently.

"Yes, sir; but I hearn you was from Hefryville, and I was thinking *Pollicet* was sorter 'round 'bout for your house—"

"We frequently use the *Pollicet* central," I interrupted. "Kindly call it up—will you?"

Uncle Sam wiped away a smile with a slow movement of his hand and leisurely turned to the telephone-booth.

At the first mention of *Pollicet* I had naturally thought of Barbara Frayne, and I could see that the station agent doubted my explanation of the call. As he already knew my name and address, it might easily be that he was informed of my visits to "Heathercote." But though it might be difficult to hide anything from this country-side, I determined not to gratify the village curiosity any further than was absolutely necessary. The old railroad gossip had forced me to invent the housekeeper explanation. He would have to be satisfied with that. I did not propose to enlighten him further.

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"Is this 22 *Pollicet*?"

I turned to the telephone-booth as I caught the inquiry, but before I reached it I heard the agent calmly drawl another question.

"Is this the housekeeper?"

Inwardly raging at the fellow's impertinent curiosity, I pulled open the door of the cabinet, but before I could express my indignation the old man rose and made way for me.

"It's your housekeeper all right," he announced, in an aggrieved tone, as he handed me the receiver.

The information doubtless disappointed him, but it fairly amazed me. I had never had the slightest idea that the person at the other end of the wire was my housekeeper, and my suggestion had been intended merely as a sop to curiosity. I knew no one in *Pollicet* except Miss Frayne, and I confidently expected to find her at the other end of the line. How my housekeeper happened to be there was a mystery.

I closed the door of the cabinet and put the receiver to my ear.

"Well?" I queried.

"Do you know who I am?" answered a voice which was not my housekeeper's.

"Indeed I do!" I responded, joyfully.

"Well, the operator doesn't. He thinks I'm your housekeeper, and I let the old gossip think so. I called you up to thank you for the stand you took in court to-day. You did splendidly. Better than

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the lawyers. You were on the right track, too. No—please don't interrupt me! I've only a word or two to say. But I want to tell you something—"

"Pardon me!" I interrupted. "You must not—"

"Mustn't talk with you about the case? I know, but—"

"If you've anything to tell, tell it to the lawyer," I exclaimed. "I can't and won't listen!"

"Well, he won't listen, either. I've told him Alice didn't occupy her room that night, but he won't let me say so even though I know who did."

"Who did?"

The question burst from me involuntarily.

"I did."

"You!"

The receiver dropped from my hand and crashed noisily against the table, disconnecting the wire as it fell. For some time I sat dazed and motionless, and when at last I turned to open the door I saw the station agent watching me, his face pressed closely against the glass.

### XIII

I DO not remember what explanation I gave for calling up Hefryville and giving the necessary instructions for the packing and forwarding of my bag, but I know I escaped from the station without further questioning, and started back to the hotel more puzzled and troubled than I had been at any time since the opening of the trial.

In the first place, I could not reconcile Miss Frayne's words and actions with her attitude of the preceding evening. She had apparently appreciated the delicacy of my position and the proprieties of the occasion the moment the situation had been explained to her, and what had occurred since should have absolutely sealed her lips. If I had been unwilling to hear anything concerning the case when I was confident of being released from all connection with it, she must have known I could not receive private information under the existing circumstances. Had she merely telephoned to express her satisfaction at my remaining on the jury or to comment on my part in the proceedings she would have been guilty of a grave breach of decorum. But to force her confidences upon me against my protest was almost un-

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pardonable. Worst of all, her communication could not possibly be ignored or forgotten. If true, it vitally affected the case, and I had not the slightest doubt of its truth. No one would make such a statement unless it was susceptible of proof. It not only involved her in the case—it opened her to suspicion and unthinkable possibilities.

Why had Barstow acted as though he were ignorant of the facts? If he knew that Alice Emory had not occupied her room on the night of the murder, why had he allowed Gilbert to spend a whole morning in accumulating testimony based upon the supposition that she and no other could have passed through the window of that room? Was he chivalrously refusing to drag Miss Frayne into the case? Barstow did not impress me as chivalrous, but he certainly would not imperil his client's safety merely to save her friend from embarrassment. Was he holding the information in reserve until the prosecution had submitted all its proofs in order to make the surprise as complete as possible? There might be a certain tactical shrewdness in this, but it seemed incredible that he would risk anything for mere dramatic effect.

With this evidence before it the Grand Jury might never have indicted the woman at all—a far more desirable end than any surprise at her trial. It was inconceivable that a lawyer of his experience would withhold a fact vital to his client merely for the purpose of making a brilliant, spectacular defence. Yet

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was not this what the housekeeper had complained of in the interview at the farm-house? I distinctly remembered hearing her declare that he could and should have prevented the indictment of his client. Was he conducting this case in the manner best calculated to enhance his professional reputation regardless of the defendant's highest interest? Was she merely a pawn in his legal game? Was this the reason he would not let his client talk? Why did he want Madeleine Mapes and Betty Field out of the way? Was it because their presence would render an acquittal too easy, and interfere with his plan to make capital and reputation out of a seemingly difficult cause? No. They both knew something about the blue dress, and possibly other matters unfavorable to the defendant. Perhaps they knew who occupied Miss Emory's room on November 2d. Did Gilbert know it too?

The silent question startled me into the suspicion that he might be purposely ignoring Miss Frayne's connection with the case. Was he capable of a deliberate injustice to one woman that he might save another from disagreeable publicity and scandal? The idea no sooner recurred to me than I saw its absurdity. He had every reason to welcome an excuse for abandoning the Emory case, and Barbara Frayne had equal reason for supplying him with all the favorable information in her possession. Why had she not told him what she had told me?

At first I seriously considered the advisability of



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reporting all I had heard to the Judge before the reopening of court, but second thoughts convinced me that such action was neither necessary nor expedient. My experience in attempting to explain matters had not been calculated to encourage further efforts in that direction. His Honor would probably again inquire if I had formed any unalterable opinion as to the guilt or innocence of the accused, and if I replied in the negative he would cut me off without another word. Miss Frayne's message had not convinced me of the guilt or innocence of her friend. In all probability it had merely given me advance information of a point which Barstow would bring out in due season, and if he did not I could supply the omission at any moment by calling Miss Barbara to the stand.

I had begun by fiercely resenting her action in forcing her secret upon me, but on further consideration I found much in her loyalty to her friend, her natural impulsiveness, and the provokingly mysterious tactics of the lawyers to excuse her conduct, and I dwelt upon this line of argument with such effect that I ended with something like a keen appreciation of the confidence reposed in me.

I moved forward more rapidly and with a lighter step as I reached this point in my reflections, and almost immediately bumped into a man walking in the opposite direction.

"I beg your pardon," I began.

"It's entirely my fault, Mr. Lambert. I was

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walking on the wrong side of the road and I'm glad you ran into me, for you're the very person I most wanted to see."

I peered at the speaker, but though his voice was familiar I did not recognize his face.

"You do not remember me, I see," he remarked, smilingly, as he noted my puzzled expression.

"It's very dark in the lane here," I temporized, "and though I recognize your voice I'm afraid I cannot at the moment recall you."

"That's not at all surprising, Mr. Lambert," he responded, pleasantly; "pray don't apologize. I'm one of Mr. Gilbert's assistants, and I thought perhaps you might have noticed me in court."

I stared closely at the young man, and although it was too dark under the trees to get a good view I thought I should have remembered his face if I had ever seen it before. It suggested a fox with flattened ears, and eyes continually glancing backward—a crafty, timid, unreliable face belying the man's voice and manner, which were unusually agreeable.

"What can I do for Mr. Gilbert's assistant?" I inquired, coldly, for I had no desire to extend my acquaintance with the gentleman.

"Nothing for me, Mr. Lambert," he responded, affably. "I am merely Mr. Gilbert's messenger in the matter, which I can explain in a very few words."

"Please do so," I replied, moving on suggestively.

"The fewer the better—eh?" he laughed, as he fell into step beside me. "Well, a word to the wise is

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sufficient, sir. Mr. Gilbert thinks that perhaps you should have been excused from the jury this morning. That is the gist of the whole matter, Mr. Lambert."

I stopped and stared at the speaker, but the sight of his face dampened the joy I had instinctively felt at his words.

"Mr. Gilbert thinks rather slowly," I observed, severely. "Had he used his wits this morning we would have both saved a day."

"He recognizes that, sir," responded the assistant. "But I suppose he's acting on the principle of better late than never. Anyway, he wants to do what is right and fair now if he has made any mistake up to date."

"Who is to show the prosecutor the error of his ways?" I inquired, moving on again, at the same time wondering where I could have heard the assistant's voice.

"*You* can, Mr. Lambert," he replied. "You see, Mr. Gilbert thinks the Judge ought to have allowed you to make a full explanation this morning, and believing you were not treated fairly he offers to take up the matter again and procure your discharge if the facts in any way warrant it. Of course he does not make this suggestion wholly in your interest, for if there should be any really valid reason for your resignation it might give the other side a chance to upset the verdict if we obtain one, and then we would all have our work to do again."

The speaker paused and I turned inquiringly

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towards him, but he seemed to think he had made himself sufficiently clear, for he met me with a furtive glance of expectation.

"You will have to speak more plainly, my friend, if you expect me to understand what is wanted," I growled. "I'm in no mood for guessing road-side riddles."

The messenger laughed so frankly and good-naturedly that I almost forgot his fox face.

"There is nothing mysterious in my mission, Mr. Lambert," he responded, pleasantly, "and I am to blame if it sounds so. The idea is for you to tell me why you asked to be excused from further service on the jury this morning. That is to say, what facts you learned or what you heard which in your opinion disqualified you. With this information Mr. Gilbert will know whether or not there is any chance of obtaining your release, and if there is he will take the necessary steps at once. If not, there is no harm done and you can treat each other's communication as confidential and let the matter drop. Of course you understand, Mr. Lambert, that personally Mr. Gilbert would much prefer to have you remain, and it is only because—"

I suddenly halted, for something in the man's voice recalled the conversation in the Shaw house, and in a flash I recognized the speaker as Miss Mapes's visitor. "Barstow's man," she had called him! And what else? Another moment and I would have his name. In my excitement I grasped the fellow's arm.

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"What is the matter, Mr. Lambert?" he inquired, but, though his voice was steady, he instinctively backed away from me and his furtive eyes sought the lane behind him. I did not reply immediately, for I was struggling to remember his name, which was even then on the tip of my tongue.

"I don't know what is the matter," I answered, slowly and pointedly, "and I don't like to think, sir. You can tell your principal, however, that I decline his proposition—decline it positively, unequivocally, and without thanks. Good-night, *Mr. Hunt!*"

The man fairly staggered as the name burst from me, but he recovered himself with amazing assurance. No one could have done better. I say it to his credit.

"Pardon me for not mentioning my name," he responded, with dignity and calmness. "I am Mr. Corning—Abel Corning, at your service, Mr. Lambert. I will report your answer to Mr. Gilbert at once, sir. Good-night."

## XIV

I MADE my way to the hotel, firmly resolving not to leave it again except in the company of my fellow-jurors. My adventure at the Shaw farm had been the result of my own indiscretion, but I certainly had not opened myself to the gratuitous telephone confidence or to Barstow's sinister approach. Still if I were to be harassed and importuned at every turn, it would be much safer to keep the company of my associates and place myself beyond the reach of further accident or design. But even as I determined on this course I knew that in one way, at least, the mischief was already done, for my latest experience had made an impression upon my mind which could not easily be effaced. The Pollicet message had startled and disturbed me at first, but maturer consideration had convinced me that I had merely been apprised of one of the defences which Barstow was undoubtedly holding in reserve, and that the knowledge which I had thus acquired in advance would not influence me one way or the other.

But the encounter with Mr. Hunt was quite another matter. It was clearly an attempt on Bar-



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stow's part to worm information from me which might prove useful to his cause, or to see whether or not I was a desirable juror. The mere fact of his resorting to such tricks was of itself enough to prejudice me against him, but I could still have depended upon myself to discriminate between the counsel and his client had it not been that his action reflected the weakness of his case. A lawyer resorting to the dangerous expedient of approaching a juror must be in sore straits for legitimate defence. Nothing which had come to my knowledge, either in or out of the court-room, had had any controlling weight with me until I had unmasked this attempt, but I knew I could never forget such a sinister episode and I dreaded its unconscious effect on my judgment.

My first thought was publicly to denounce the man and his methods, but second thoughts convinced me that any exposure of the lawyer would result in a cruel injustice to the client from which she might never recover. Nine men out of ten would read her guilt in Barstow's exposure, were she never so innocent of his injudicious efforts on her behalf. But quite aside from any effect which my accusations might have upon the defendant's case, I knew I must be prepared to support my charges if I made them at all.

And what proof did I possess? Stripped of conjecture and inference, my story was pitifully inadequate. The sum and substance of it all was that I had been asked certain questions by some one whose

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voice I thought I recognized as a man said to be in Barstow's employ, and whom Miss Mapes had called Hunt. I could not produce the man or tell who he was or where he could be found, and the circumstances under which I had heard his name would not recommend my veracity. I would be discredited and laughed out of court as a dreamer at best, or as a liar at worst, and, in any event, a self-confessed eavesdropper whose word would scarcely require Barstow's sure denial. I would cut a ridiculous figure in the eyes of the whole community, and Barbara Frayne would be justified in holding me in utter abhorrence and contempt.

No. Denunciation was not to be thought of for a moment. It was far better to bear the burden of an increased responsibility and rely upon my own conscience than to court disaster to myself and possibly work irreparable injury to another whose fate was in my keeping.

I found the company at the Melton House much as I had left it, except that the circle about the big wood-stove had increased until there was not a vacant seat in the place. Indeed, some of the chairs held two occupants apiece, and the writing-table had been pulled up behind the chairs to serve as a gallery for half a dozen auditors. Over the group hung a blue canopy of tobacco smoke, and some of the men nearest the stove had removed their coats and

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were sitting in their shirt-sleeves, but as the room was not unbearably hot I concluded that habit and not heat prompted the informality.

A keen-faced country lawyer was just finishing a story as I entered, and Bayne shifted to one side of his chair and silently invited me to share it with him. I did not fancy this picnic familiarity, however, and, answering his suggestion with a shake of my head, remained standing near the doorway.

"That was the last recommendation I ever gave to any man," the speaker was saying, "and I wouldn't give one to-day to my own brother."

"I don't blame you," responded an undersized man seated on the writing-table. "I had a case once, and—"

"Do you remember Lincoln's celebrated letter of recommendation?" interrupted "No. 3" of the jury.

"No. Let's have it," responded the first speaker.

"Well," continued my associate, "somebody wrote Lincoln asking him about a fellow in Illinois who had given the President's name as a reference in a matter of business credit. Lincoln answered something like this: '*I have your letter as to Mr. Blank's financial responsibility. In reply I beg to say he has a wife and child which should be worth to any man at least five hundred thousand dollars. Besides these he has to my certain knowledge in his office a deal table worth about a dollar fifty, and two cane-bottomed chairs worth as much more. Also in the corner of his office there is a rat-hole which will bear looking into. Yours truly, A. Lincoln.*'"

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I noticed that the little man on the writing-table did not join in the laugh which greeted this story, but I saw his lips move as though he were attempting to make himself heard. His small face betrayed conceit and self-importance in every line, despite its utter insignificance, to which his pompadour hair and small red side-whiskers gave the finishing-touch.

• ‘That’s very good,” he began, as the laughter ceased. “Most of the stories about Lincoln are entirely apocryphal, but that one’s so old I suppose he’s entitled to it whether it’s true or not. However, such things do happen. I had a case myself once—”

“Speaking of recommendations”—interposed a fat, good-natured looking attorney seated next to Bayne.

“Which is precisely what I was speaking of,” insisted the little man. “Some years ago I had a case—”

“Speaking of recommendations to mercy,” calmly pursued the interrupter, “I got my experience early in the game when I was filled with the milk of human kindness and mushy accordingly.”

The hotel clerk brought me a chair from the dining-room, and as I thanked him I called his attention to the red-whiskered individual whose face was a ludicrous study of wrath and disappointment.

“That’s ‘I-had-a-case Carson,’” he explained, in a whisper. “Nobody believes he ever had a case, but he lives for these occasions and he’s wild to get the

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floor. The fellow talking now just loves to choke him off, and the other lawyers devil him all they can."

The little attorney's expression of impotent indignation demonstrated that he was being "deviled" almost past endurance, but after glaring at the speaker for a moment he pulled out a big, black cigar, savagely bit off the end, and tried to engage his neighbor in conversation.

"Well, my man appeared so dazed and hopeless," the fat attorney was saying, "that I saw nothing for it but to plead guilty and throw myself on the mercy of the Court. He was a lawyer, but I thought if I could get a lot of people to put in a good word for him I could offset that, and before long I accumulated the greatest set of 'previous-good-character' testimonials you ever saw in your life. They were so sweeping and cordial that I positively wept to think of letting such a good man go to prison, and I determined to attempt his acquittal. But say! Did any of you ever try to get up a defence-fund for one of those blameless-life fellows? Well, if you do you'll find good words are all their friends will give 'em. I couldn't work fifty cents out of the whole bunch. My client was '*one of God's noblemen*'—but he was such a clever lawyer surely he could conduct his own case without expense; he was '*the salt of the earth*'—but they didn't propose to put up any dust for him; he had '*a pure and spotless past*' and his '*home life was very beautiful*'—but if funds were needed for his

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defence he'd better go to jail. These were the only contributions I received from his eulogizers. Then I sounded my man on making restitution. 'Try it,' he said, and I tried it with such success that I was given a virtual assurance of a sentence not exceeding three years if he'd return what he'd stolen. Ten years was what I otherwise expected him to get, and I told him so when he asked my opinion. He considered the matter for some time and then dashed all my hopes.

"'I'll stand pat,' he answered.

"'You mean you'd rather serve treble time than give up the whole or any part of your stealings?' I demanded, indignantly.

"'I stand pat,' he repeated, calmly.

"If the fellow had had kith or kin in need of the swag I wouldn't have blamed him, but he didn't have anybody but himself to look out for. He simply preferred to risk ten years than give up his ill-gotten gains, and I never did find out where he'd hid 'em. With the aid of those good-character certificates however, I got his sentence cut down to five years, for which service he never as much as said thank you."

"Didn't you get your fee?" inquired Bayne.

"Not a cent!" exclaimed the narrator. "He was a born criminal with a blameless past."

"I had a case like that once," piped up Carson.

"Hold on, I haven't told you the worst yet," continued the fat man. "Two years ago when I was



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down in a scrag-town in Oklahoma I was arrested for riding a bicycle on the sidewalk, and the Justice before whom I was hauled was my friend of the blameless past. Well, sirs, he fined me twenty-five dollars without the faltering of an eyelid, and I believe if I hadn't paid the fine and left town *instantly* he'd have had me in jail for six months! That's what I call professional courtesy. What were you going to say, Carson?"

There was an audible titter at the question, but the little bore lost no time in grasping his opportunity.

"I was going to tell you about a case I had involving professional courtesy—" he began, hurriedly.

"By Jove, that reminds me!" burst in another lawyer. "One time when I was practising out in Montana—"

"Excuse *me!*" interrupted Carson, indignantly.

"Certainly, old man—don't mention it," continued the tormentor. "I'll excuse you any time, but I want the other fellows to hear this yarn—and it's no yarn either, but a true bill from Montana where no liars are at large. Well, as I was saying, when I was practising out there the State prosecutor and the defendant's counsel in a murder trial were opposition candidates for Congress, and in the middle of the case the prosecutor saw that the evidence was going against him and that an acquittal would be mighty popular. So he ups and requests the dismissal of the indictment and the discharge of the

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prisoner, knowing that the same would reflect great credit on himself and knock the wind out of his opponent. But the other fellow was onto the game, and with a sure case he hadn't any notion of letting his adversary win out on any magnanimous bluff of that sort. So he rears up on his hind legs and fights to have the case submitted to the jury, claiming his client was entitled to an acquittal at the hands of his peers, and nothing less than this would satisfy him, and finally the Judge decided to allow the innocent gent to be exonerated by the jurors and submitted the case to them. Well, sirs, that jury stayed out 'bout fifteen seconds and then brought in a verdict of guilty!"

"You say that happened in Montana?" asked a late-comer, joining in the general laugh.

"Yes, sir," was the serious answer.

"Well, I wouldn't believe it if you'd located it twice as far away," remarked the questioner, as he took a chair which the clerk offered him and sat down beside me. "Would you?" he inquired, smilingly, as he offered me a cigar.

"I don't know," I answered, as some one started another story. "Can a prosecutor dismiss a case if he thinks the prisoner innocent?"

"Of course," answered my neighbor. "If he couldn't, he might have to continue prosecuting a man whom he believed innocent. That would be horrible. By-the-way, I want to introduce myself, Mr. Lambert. I am Abel Corning, one of Mr. Gilbert's assistants."

## THE ACCOMPLICE

I glanced with interest at the speaker's face, which bore a certain resemblance to Hunt's, but though there was no mistaking the two personalities, there was enough to justify Hunt's subterfuge. Now, if I denounced the unknown emissary who travelled under the name of Abel Corning, and could produce no one but the real Abel Corning to answer the description, who would be most involved, the prosecutor or his opponent? Hunt had more than risen to the emergency. He had surmounted it.

"I am very glad to meet you, Mr. Corning," I responded. "Do you happen to know a lawyer named Hunt?" I added, after a pause.

"Hunt?" he repeated. "No, I never heard of him. Why do you ask?"

"Merely because—" I began, but allowed myself to be interrupted as Carson piped up,

"I had a case like that once—"

## XV

THERE were but few spectators in the courtroom when we filed into the jury-box on the second morning of the trial, and Bayne confessed that he had heard rumors of an adjournment the previous evening. Others had heard the same thing, and it was the general opinion of the jurors that the public had received definite information of some hitch in the proceedings and we would be dismissed for the day as soon as court opened. All doubt of the matter was dispelled, however, when Judge Dudley ascended the bench and a young attorney, whom I had not previously noticed, rose and requested an adjournment, owing to the sudden illness of Mr. Ferris Barstow, counsel for the defence.

I was considerably alarmed to find myself instinctively interpreting this excuse as a cover to hide the defendant's collapse, for it indicated that the events of the previous evening had had more effect upon me than I realized, and I began to fear I was hopelessly biased in my opinion of the counsel, if not of his cause. If I allowed myself to question Barstow's motive in an unimportant matter of delay, I would soon find my suspicions coloring all the testi-

## THE ACCOMPLICE

mony he introduced and end by prejudging the case. But if I had been inclined to encourage my passing thought, Gilbert's reception of his adversary's request would have checked me. He not only betrayed no suspicion of bad faith, but expressed hearty and sincere regret at the cause of the delay, and joined in requesting the Court to grant the proposed adjournment. Thereupon Judge Dudley promptly announced a recess until the following morning, and discharged us with the customary caution touching our conversation and conduct. The words were no sooner out of his mouth than I hastened from the room, and though I heard Bayne call out to me as I reached the door I pretended not to hear him, for I was anxious to start for Hefryville at the earliest possible moment. With this idea I made straight for the stable, and directed the proprietor to have my horse and trap sent to the Melton House at once.

If the man heard my request he was evidently not impressed with the necessity for haste, for he merely nodded his head and continued whittling a stick, as though I had not spoken. I waited a moment and then impatiently repeated my order.

"Want 'em now?" he inquired, slowly, blinking stupidly up at me from the overturned bucket on which he was seated.

"Yes. Now! Immediately! At once!" I answered, testily.

"W-a-ll—ain't that too bad!" he muttered, thoughtfully, stroking his beard.

## THE ACCOMPLICE

"What's too bad?" I inquired, impatiently.

"Why, that you should be wantin' yure buggy to-day," he drawled. "I kinder calculated you'd hev no sorter use for it long 's Court was settin', and I loaned it out to Rube Stacey."

"Loaned my wagon?" I roared. "Well, of all the—"

Words failed me, and I stood glaring in helpless wrath at the imperturbable countenance upturned to me.

"Did you lend the horse, too?" I concluded, with forced calmness.

"No, sir. No, siree. I wouldn't think of loaning none of the critters in my barn. No, indeed."

The aggrieved tone of the reply was so utterly ridiculous that I almost laughed in spite of myself.

"Well, I wish you hadn't thought of lending the buggy, either," I retorted. "However, I suppose I ought to be grateful. Put the horse to the best wagon you've got and let me get away. I'm in a hurry."

The countryman tipped his bucket forward, picked up a straw, and leaned back against the stable wall.

"Ain't that too bad!" he drawled.

"What's the matter now?" I demanded, sharply.

"We ain't got a thing on wheels in the place, mister, and I don't reckon there's as much as a go-cart left in town. The hull outfit was hired last night."



## THE ACCOMPLICE

I could have shaken the man in sheer rage, and for some seconds I did not trust myself to speak. Finally I controlled my voice sufficiently for a last suggestion.

"Have you got a saddle?" I inquired.

"No-o. Yes, sir. I think likely I kin get you a saddle off the Perkins people, if you kin stick on the English kind."

"I can," I answered. "Try the Perkins people, whoever they are, and hurry up about it."

The man rose slowly from his perch, stretched himself, scratched his head thoughtfully, and at last wandered off in the direction of the Melton House. Ten minutes later he reappeared carrying a first-class English saddle and bridle, a pair of smart riding-breeches, a hunting-crop, a pair of spurs, and an assortment of soft caps.

"See if any of them 'll fit ye," he suggested, as he dropped the collection on a bench.

"Where in the world did you get all that loot?" I inquired, as he disappeared towards the stable with the saddle and bridle.

"Over to Perkins's," he answered. "Help yourself. There's plenty more truck over there if them don't suit yer."

With some misgiving that I might be arrested on sight by the accommodating Perkins, or whoever owned the outfit, I made a judicious selection, and soon found myself as comfortably equipped as I would have been in my own belongings.

## THE ACCOMPLICE

"Looks as though them things was made for ye," ejaculated the stableman, as he reappeared with my horse. "I thought yer was about the cut of them Perkins boys."

Not knowing the Perkins boys, I was doubtful whether this was intended as a compliment or not, and busied myself readjusting the saddle-girths.

"That ought to be a good ridin'-horse," commented the man, and then as I swung into the saddle he added, "Reckon this ain't the first time you backed him—eh?"

"No," I answered, shortly.

"Learned your ridin' out West, too," he vouchsafed, disinterestedly.

"What makes you think so?" I inquired, somewhat less curtly.

"Way you mount," he answered. "I was to Montana for a year onct and I seed they generally turned more to the tail than the head of a horse when they backed him."

"I learned the little I know in Arizona," I answered.

"Then I guess you know 'nough to keep from fallin' off both sides to onct," he reflected. "There won't be no charge for keepin' the horse on 'count of the buggy," he added, as I started.

With this comforting assurance I left the stable-yard and turned at once towards Hefryville, but I had no sooner reached the main road than my plans were immediately changed. A girl on horseback was ap-

## THE ACCOMPLICE

proaching from the opposite direction, and though she was using a side-saddle she resembled Miss Frayne sufficiently to make me beat a regretful retreat, for I dared not risk another meeting with her just then. But even as I turned and rode towards the Melton House I argued the matter with myself. Was it not my duty to warn her that she was doing her friend more harm than good by interfering in the Emory case? Could I see her subjecting herself to the most unpleasant consequences without a word of caution? Suppose she attempted to apprise other jurymen of coming events, would she not incur the gravest risks imaginable? If I should be compelled, in pursuance of my sworn duty, to record a verdict which would terminate my friendship with her, might I not still put her upon her guard in a way she might remember and some day understand?

I had almost convinced myself that it was my duty to turn in the opposite direction before I reached the hotel, but the recollection of my former disinterested experiments dissuaded me, and, hastily tying my horse to the hitching-rail, I ran to the piazza steps and fairly bumped into Deake Gilbert as he came out of the door.

"Well—well, Mr. Lambert!" he exclaimed. "I hardly recognized you in those togs. Going riding? Hello—who have we here?" he added, and then without waiting for an answer he passed me and ran down the steps.

It was not in the pleasantest frame of mind that I

## THE ACCOMPLICE

reached my room, and what I saw from my window was not calculated to soothe my feelings.

Miss Frayne had halted directly in front of the hotel, and Gilbert was standing beside her horse, patting its neck and talking earnestly to her. The girl listened with averted face, sometimes interrupting him with a word or two, but never returning his steady gaze. Finally he turned and apparently spoke to the horse, and I could see a smile hovering on Miss Barbara's lips. The instant Gilbert looked up, however, she glanced away, and I could see that her cheeks were flushing at his words and the smile had not quite disappeared. The sight angered me and made me angry with myself. If the prosecutor—the man primarily responsible for Alice Emory's trial—still retained the friendship of one of her warmest friends, why should I conclude that a verdict of guilty would exclude me from the list of her acquaintances? If Gilbert were received so would I be! If there was a distinction between us it was in my favor. I was a weak-minded fool to shun the society of this girl on conscientious scruples. Gilbert evidently did not fear her influence upon his action, and there was no reason why I should not display equal self-confidence.

It must have been my steady gaze which attracted her attention, for, as I stood watching her, Miss Frayne suddenly glanced up at my window, recognized me, and bowed. I drew back hastily without returning her greeting, and then hurried downstairs to repair the omission and apologize for my ill manners.

## THE ACCOMPLICE

When I reached the street, however, Gilbert had gone and Miss Frayne was rapidly disappearing in the distance. Without a moment's delay I untied my horse, and springing on his back cantered off in pursuit. Before I was within hailing distance, however, the girl swung into a side road, and although I lifted my hat as she glanced in my direction she did not apparently see me, and when I reached the corner she was far in advance. I urged my horse forward and was rapidly overtaking her when she, too, broke from a trot to a canter, which became a gallop as I continued to gain upon her, and for a hundred yards or more I rode in a cloud of choking and blinding dust. Then suddenly I felt the impulse of a challenge in her increasing speed, and touching my horse with my heels I settled down to ride. Instantly she responded with a flash of her whip, and away we thundered in a breakneck race, which terminated almost as suddenly as it began, for her hat blew off and she immediately began to draw rein.

"I surrender!" she shouted, as I shot alongside of her. "My hat's off! Stop, please!"

I hauled at my horse's head, but both animals were excited and we covered another quarter of a mile before we finally pulled up, panting breathlessly.

"I'd—I'd have beaten you if—if it hadn't been for that miserable hat!" she gasped, defiantly, as soon as she could speak.

She had never looked more lovely, her cheeks flam-

## THE ACCOMPLICE

ing from the exercise and her eyes flashing with the light of combat.

"We'd have beaten him easily—wouldn't we, Dolly?" she continued, patting her horse's head.

"I doubt it," I asserted, boldly. "My horse isn't as pretty as Dolly, but he is well-bred."

"Too well-bred to cut his acquaintances, I hope. Don't you, Dolly?"

She glanced up at me sharply as she leaned forward and stroked the mare's ears.

"I followed you to apologize," I began. "Please forgive me."

"It's very much easier to bow than to apologize for not doing so. However, I suppose you were cross."

"Cross?"

"Yes—and you're cross now—aren't you?"

"No, indeed."

"Well, severe would perhaps be the safer word," she suggested, with a smile. "Why are you so severe and stately?"

"I was not conscious of being so," I answered.

"Is it possible to look like that without feeling it?" she laughed. "I should think it—would hurt."

"That isn't what hurts," I responded. "But I deserve anything you care to say. I did not mean to be rude, but I was, and I hope you'll forgive me."

"I think I will in time—that is, if my hat isn't spoiled," she added, laughingly. "It's a brand-new 'sailor,' and if you've made me break it—"



## THE ACCOMPLICE

I rode back, and recovering the hat, handed it to her. She examined it carefully and then looked up at me smilingly.

"No—it isn't hurt," she announced, "and you're forgiven. Now tell me why you avoided me this morning."

I hesitated, not wishing to reopen the forbidden subject, but frankness seemed the only reliable safeguard for the future.

"I trust you will not misunderstand me, Miss Frayne," I began, "but after our conversation last night I felt I had no right to meet you until my present duty—"

"After our conversation last night?" she interrupted. "What conversation?"

"You know," I answered.

"Indeed I do not," she asserted, with a shade of annoyance in her voice.

The denial disappointed me, and I did not care to conceal my feeling.

"You must certainly remember telephoning me," I responded, coldly.

"Telephoning you? I never telephoned you in my life."

I stared at the girl in amazement, but her puzzled expression was sincerity itself.

"Well, somebody—" I began.

Then suddenly it flashed upon me that the person at the other end of the wire had spoken truly when she announced herself as the housekeeper, and that my confidante was no other than Madeleine Mapes.

## XVI

“SOMEBODY telephoned you?”

I heard the prompting inquiry, but before I could reply other questions crowded my mind demanding instant explanation. Miss Mapes had telephoned me, and I had mistaken her voice for Barbara Frayne's. That was perfectly clear. But why had the woman communicated with me at all, and what was the meaning of her message? Why should she advise me of a fact which she had already communicated to Miss Emory's lawyer? But had she really done so? Of course Barstow must be aware that his client had not occupied her room on the night of the murder. She would certainly have told him this herself, but it did not necessarily follow that she knew her friend the housekeeper had taken her place. No sane lawyer would try to suppress a vital fact of this kind and attempt to persuade the only witness by which he could prove it to leave the State. It was incredible that he had been advised of the true state of affairs.

But could a woman who lied to me on one point be trusted upon any other? If the housekeeper had deliberately deceived her friend's lawyer—

## THE ACCOMPLICE

A sudden suspicion halted my thought. Was she Miss Emory's friend? What had driven her to make this extraordinary confession to a man she did not know? Was it the prompting of a guilty conscience, or that resistless impulse to confide in somebody which convicts nine criminals out of every ten? Why had she disobeyed Barstow's instructions and returned to the State where she might be subpoenaed at any moment and compelled to testify? The scene of the crime is said to have a fatal fascination for the criminal. Was this the explanation of her presence?

"I shall continue prompting you until you take the cue. Somebody telephoned you?"

I glanced at Miss Frayne's bright, questioning face, and all my perplexities were instantly merged in the glad thought that she was not involved in the case, and that my suspicions and fears concerning her were wholly without foundation.

"Yes. Somebody telephoned me," I responded, smilingly, "and I thought—"

"You thought the somebody was I?"

"Yes."

"What made you think so?"

"I mistook the voice."

"Only the voice?"

The question was accusing, and realizing its justice I did not immediately reply.

"Please don't trouble to explain," she continued. "I understand the matter perfectly. You heard something disagreeable and attributed it to me."

## THE ACCOMPLICE

"I can only apologize now," I answered. "But some day I will explain, and then I'll ask you to forgive me."

"It is much more gracious to forgive without explanation, and I want due credit for absolving you without confession. But the next time you receive anonymous messages, won't you please give me the benefit of the doubt?"

"I did."

"You did?" The girl laughed quietly as she hung her hat on the pommel of her saddle and began pulling off her gloves. "I shudder to think what would have happened to me if I hadn't received that doubtful benefit."

"Was I so insufferable?"

Our horses were standing head to head, and I looked straight into my companion's eyes as I put the question.

The girl hesitated as though carefully considering the matter, her brows knit and her head at a judicial angle.

"Not exactly insufferable," she admitted, reflectively. "Just militantly reserved, magnificently distant, and virtuously unapproachable."

She illustrated her adjectives, drawing herself up stiffly and scowling comically at me under half-closed lids.

"You saw all that in one glance?" I laughed.

"In one or more. I should have expressed it more simply and said you were cross, if you hadn't denied it."

## THE ACCOMPLICE

"Did I look cross?"

"Of course you did!" she exclaimed. "And you may as well admit you were. Have you ever played poker?" she continued, her eyes twinkling mischievously.

"Once or twice," I answered.

"Did you win?"

"I have never been lucky at cards," I responded.

Miss Barbara placed two long pins between her lips and began adjusting her hat.

"That has its compensations, but you are still a bachelor," she reflected. "So you can't claim to be lucky in love," she continued, as she speared the last pin into place. "There must be some other reason. Don't you know what it is?"

"Why I never won at poker?" I queried. "I can't say I've given any very serious thought to the matter."

The girl laughed delightedly.

"Good!" she exclaimed. "I'm glad to hear it. I was afraid you gave serious thought to everything, for you're looking as solemn as a judge this minute. Hasn't anybody ever told you what an expressive face you have?" she went on, smilingly. "No? Well, a card-player would read it like an open book. Why, I believe I could tell whether my hat was on straight simply by looking in your eyes. Let's see if I couldn't. Thank you. A little too much to the right? No? To the left, then? Further forward? Backward? Oh, I might have known this test was too severe for any man!"

## THE ACCOMPLICE

I stooped and hooked up Dolly's fallen reins with the handle of my crop.

"I wonder if you ever heard how a dull mirror once answered its mistress?" I inquired, as I looked up.

She shook her head encouragingly.

"*'My lady,' it responded, 'had I been brighter I might have been dismissed with a glance. As it is, I have held your dear face longer. Banish me now, if you will.'*"

The girl flushed but quickly recovered herself.

"And did she banish it?" she queried.

"I never heard," I answered, casually. "Perhaps she discovered it wasn't as dull as she thought, and—"

"Oh, she probably kept it if she was susceptible to flattery—otherwise not," she interrupted. "Where were you going when I headed you off this morning?"

"To Hefryville. And you?"

"To that red brick building yonder."

She pointed with her whip to a house some distance down the road, as she spoke.

"And then?" I inquired.

"Then I return to Pollicet."

"May I wait for you?"

"Here? Oh, I wouldn't think of asking you to do that."

"It is I who am doing the asking."

"I know, but I may be detained a long time, and, besides—"

"You have made another engagement?" I in-



## THE ACCOMPLICE

terraptured, with sudden jealous intuition. "I understand. I may see you as far as the red house, may I not?" I added, after a pause.

The girl glanced hesitatingly down the road.

"I think you'd better not," she replied, at last.

"Why?"

"Do you really want to know?"

"If you don't mind telling me."

"No, I don't mind, but— Well, that building is the county jail, and I'm going to visit a friend. Now, you see, you shouldn't have asked me questions. Good-bye."

She gathered up the reins as she spoke, and in another moment she was waving her hand far down the road. I lifted my riding-crop in answer, and sat watching her until she dismounted and disappeared from view. Then I swung my horse about, and letting the reins hang loosely on his neck started slowly back to Melton.

It was impossible to think of Barbara Frayne as a fair-weather friend, and yet I almost wished she was less loyal as I turned and looked back at the red brick building. I hated to think of her in the company of Alice Emory, and this in itself revealed the dangerous tendency of my thought. I was by no means ready to pronounce the woman guilty, but it was idle to deny that the facts thus far developed against her lacked but little of positive proof. The first day's testimony, with its disastrous close, had been quite sufficient to give an impulse to the most

## THE ACCOMPLICE

impartial mind, and the developments outside the court-room, beginning with my experience at the farm-house and ending with Barstow's sinister move, had not been calculated to diminish my doubts. If Gilbert continued his aggressive campaign when the trial resumed he would cover the facts outlined in his opening speech. And then what? Would Barstow put his client on the stand, let her assert her innocence, and rest satisfied with that? Or would he endeavor to show who had committed the crime? Was it to be either a verdict of guilty or an unsolved mystery?

Thus far there had not been the slightest indication of any purpose on Barstow's part to do more than divert the proofs from his client. If he had contemplated an aggressive campaign, or meditated turning suspicion upon any other person, he would not have permitted Gilbert to exclude every other inmate of the house from the field of inquiry. Miss Mapes had been among the first eliminated from the prosecutor's case. Would she have been passed by had Barstow had the faintest suspicion of what I knew? Was it to remain for me to develop her part in the story?

Suppose the clew which had been inexplicably placed in my hands should lead to important revelations and end by absolving Alice Emory from all connection with the crime? The man who accomplished such a result would render great service, not only to the defendant and her friends, but also to

## THE ACCOMPLICE

the State. If there was any basis for this hope an opportunity lay before me such as, possibly, no juror ever possessed before. But that opportunity might be lost if my information were not used in just the right way. To confide in Barstow after my late experience with his henchman was out of the question, and to consult with Gilbert might be disastrous. Miss Mapes had had access to both these men, and had apparently not chosen to communicate with them. If I advised the prosecutor of her disclosure he might, and probably would, start an investigation which would put her on her guard or frighten her off altogether.

The more I thought of it the more certain I became that Barstow did not know what had been told me, and that I had been selected as a safe channel to receive the confidence of an overcharged mind. If I was mistaken, the testimony of one side or the other would disclose my error, but if neither touched the point confided to me I could follow it up as occasion might suggest. Until then I would keep my own counsel.

The sound of hoofs interrupted my thoughts, and turning in the saddle I caught sight of Miss Frayne coming rapidly towards me.

Scarcely ten minutes had passed since we had parted, and, wondering what had interfered with her errand, I turned and rode to meet her.

"This is an unexpected pleasure," I began, as I came within hailing distance, but her face immedi-

## THE ACCOMPLICE

ately showed me that something serious had happened.

"What has brought you back so soon?" I added.

"I thought, perhaps, you knew—" she began.

"Knew what?" I queried.

"That we live in Russia, not America!" she burst out, indignantly.

"What is the matter?" I inquired, sympathetically.

"I hope I didn't make you late for the visitors' hour."

"Not at all. I was in plenty of time. But it appears the Czar does not permit prisoners to receive visitors during their trial."

"The Czar?"

"Czar Gilbert! Those are his orders. Just think of it! Could anything be more outrageous—even in Russia?"

She was the incarnation of revolt as she spoke—an inspiring incarnation, too; but I secretly rejoiced at the prison regulations.

"I did not know that rule was strictly enforced," I answered, lightly. "Didn't the officials suggest some way out of the difficulty?"

"They said I could apply to the Judge or the prosecutor for an order."

"Well, that is easily obtained. Mr. Gilbert will give you an order for the asking."

"And do you think I'd ask him?" she demanded, hotly.

I didn't think so, but I wanted to be fair to Gilbert in justice to myself.

## THE ACCOMPLICE

"Did he know where you were going this morning?" I asked.

"He must have known!" she answered. "We talked for a quarter of an hour. Oh, I can just see him laughing in his sleeve!" she burst out, resentfully.

Even as she spoke I caught sight of the prosecutor coming down the main street into which we were then turning.

"I dare say Mr. Gilbert has lots of things up his sleeve," I answered. "But his laugh isn't one of them. That's always in evidence. Look at him now, for instance."

## XVII

GILBERT was still laughing as he stepped into the road to meet us, and I drew rein as he approached.

"Good - morning again," he began, bowing to us both. "I've just heard of your experience at the livery - stable, Mr. Lambert. It would be perfectly maddening if it wasn't so funny. This is a town of cool propositions, but of all the exhibitions of cheek— Wait a minute, Barbara," he broke off, as Miss Frayne moved on. "I find I can start a bit earlier if it suits you," he continued. "But I think we'd better wait until we see if those clouds mean a thunder-shower. Where are you off to now?"

The girl halted and turned to me inquiringly.

"Do I have to answer that question, Mr. Lambert?" she asked, ignoring the prosecutor.

"Unless there's some objection," I laughed. "Isn't that the law, Mr. Gilbert?"

"Well, I don't feel like having the law laid down to me this morning," she retorted. "I forgot to leave this letter when we passed the post - office," she continued, turning to me. "Do you mind waiting till I mail it?"



## THE ACCOMPLICE

"Allow me—" I began.

"No — no," she answered, swinging her horse around. "Will you be ready by the time I get back?" she added, with a meaning glance. "I won't be two minutes unless the authorities insist on reading letters before they're posted. Do you suppose it's come to that yet?"

Gilbert glanced at the girl with a puzzled expression, and although the situation was advantageous to me, I could not help feeling a little sorry for him.

"I don't seem to be in on this joke," he commented, ruefully.

"No, the joke is on us," she retorted. "The first turning to the left is our best road, Mr. Lambert," she called out over her shoulder. "Go right on and I'll overtake you."

The prosecutor raised his hat as the girl cantered off, and stood staring after her until she disappeared in the post-office. Then he turned to me.

"Do you know where Miss Frayne went this morning?" he inquired, thoughtfully.

"I met her coming down that side road," I answered, non-committally, pointing behind me.

Gilbert looked puzzled for a moment, and then snapped his fingers with vexation.

"Of course!" he exclaimed, as though to himself. "I might have known it! No wonder she's provoked. Do you know where she's going after she posts her letter?" he continued.

## THE ACCOMPLICE

"Home, I think," I answered.

"She'll get caught in the rain if she tries it," he muttered, glancing at the distant bank of thunderclouds. "Where are you off to?" he added, suddenly.

"I'm going with Miss Frayne as far as Pollicet, and then on to Hefryville," I responded, carelessly.

Gilbert glanced up at me with surprise, and I confess I enjoyed his evident astonishment.

"You don't really mean it?" he inquired, incredulously, after a pause.

"Most assuredly," I answered, coolly. "What is there so surprising about it?"

The prosecutor looked up sharply as I answered, stared at me for an instant, and then stood patting my horse's head.

"Why, I supposed—" he began, but broke off suddenly.

"It's not much of a trip if one is accustomed to the saddle," I volunteered. "I haven't ridden for some time, though, so I expect to be rather stiff tomorrow."

"You'll be nothing less than a cripple," he asserted.

"I can drive back if I'm too sore for riding when I reach home," I responded. "Although I suppose it's more than tempting Fate to bring another wagon to Melton," I added, smilingly.

"Don't you think the whole plan is more than tempting Fate, Mr. Lambert," he inquired, looking me squarely in the eyes.

## THE ACCOMPLICE

"I don't think I understand you." I answered, coldly.

"I mean it's a little longer ride than the law allows, Mr. Lambert," he responded.

I gazed at the speaker in surprise. What was he driving at? Was he merely interested in having all the jurors in good physical condition, or was he attempting to manœuvre me out of supplanting him with Miss Frayne?

"It doesn't strike me as very rash," I answered. "I think I can stand it."

"Well, I wouldn't risk it if I were in your place," he responded, warningly.

I thought I detected a note of menace in his tone, and instantly I was up in arms. What kind of an ass did the man take me for, that he presumed to volunteer advice about my comings and goings?

"Wouldn't you?" I queried, with a smile of amusement.

"No, I would not," he answered, firmly.

The tone of the answer was decisive—almost peremptory—and I had difficulty in curbing my resentment.

"But, you see, you are not in my place, Mr. Gilbert," I answered, coolly. "Still it would be interesting to know your reasons," I added.

"Haven't I already given them, Mr. Lambert?" he laughed, good-naturedly. "Pollicet is a long way from Melton, and Hefryville is even farther."

His laugh grated upon me even more than his

## THE ACCOMPLICE

warning tone. The man was making a fool of himself by his transparent interest in my welfare, but I had no intention of letting him fancy he was making a fool of me.

"I appreciate your solicitude," I responded. "But I'm not at all afraid of exhausting myself, and I hope you won't give yourself any further anxiety on my account."

A shade of annoyance passed over the prosecutor's face, but when he looked up again he was as imperturbable as ever.

"It's useless for us to talk at cross-purposes, Mr. Lambert," he announced. "You know you've no right to make this trip, and I don't want you to put me in an embarrassing position."

"Put you in an embarrassing position?" I laughed. "I'm sure I don't know what you mean, and I don't care to hear."

"You heard what the Judge said in court this morning, and that ought to be enough."

Gilbert had suddenly dropped his bantering, jocular manner, and his face was stern and masterful as he rapped out the retort.

"I heard him dismiss us for the day—if that's what you mean," I answered.

"And you also heard him expressly state that you were not to leave the town without his special permission."

I gazed at the speaker in amazement, for I never expected him to carry the matter as far as this. To

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put words in the Judge's mouth to prevent me from taking his place with Miss Frayne was not only contemptible but dangerous.

"I heard him say nothing of the sort," I retorted, indignantly.

"Then you must have left the room before he explained himself," he responded, quietly. "Anyway, you know it now."

"I do not consider myself bound by what you tell me," I asserted, promptly.

"Still, I hope you will not attempt to leave Melton without consulting the Judge," he persisted.

"I am entirely able to take care of myself, Mr. Gilbert," I retorted, gathering up my reins.

But the prosecutor did not seem inclined to terminate the interview.

"I don't wonder you're annoyed, Mr. Lambert," he commented, sympathetically, "and if this were my personal case I wouldn't say a word. But, you see, if I let you go beyond the proper limits without authority there might be some danger of the verdict being set aside, and I can't afford to subject the People to any such risk."

The man spoke earnestly and disinterestedly, and suddenly I remembered Bayne's effort to stop me just as I was leaving the court-room. What if the Judge had really given us some parting instructions which I had missed?

"Where ignorance is bliss 'tis folly to be wise," I suggested, lamely. "If it's embarrassing for Mr.

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Gilbert to know what the jurors are doing, suppose he remains ignorant of my whereabouts."

"A supposition contrary to fact leads to illogical results, Mr. Lambert," he laughed. "The mischief is done and can't be undone. You can very easily force me to take a disagreeable stand in this matter, but I certainly hope you won't do so."

I glanced down the road as the sound of approaching hoofs reached my ear, and I could see Miss Frayne cantering towards us.

"Do you contemplate forbidding me to accompany Miss Frayne?" I inquired, ironically.

Gilbert frowned impatiently.

"Do be reasonable, Mr. Lambert!" he exclaimed. "The Court has already forbidden you to leave Melton, and I am merely trying—"

"To play policeman?" I interrupted, sarcastically.

"No. To play fair," he answered, with dignity.

Miss Frayne was already passing on the far side of the road, but for a moment I hesitated to follow her. She rode on a few rods and then halted and turned in her saddle.

"Aren't you coming, Mr. Lambert?" she called, and then, as she noted the prosecutor's hand on my bridle-rein, she added, laughingly: "Won't Mr. Gilbert let you go? I'm sure he will if you ask him nicely."

I glanced at the prosecutor. His hand on the bridle was a liberty. His smile was an offence.

"I will take all responsibility which attaches to



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my action, Mr. Gilbert," I announced, in a low tone.  
"Good-morning, sir."

At the touch of my heel my horse sprang forward, but Gilbert made no attempt to stop me.

"Don't blame me for what happens," was his final warning.

I have never blamed him for what happened.

## XVIII

GILBERT'S prediction of a thunder-storm seemed likely to be realized before Miss Frayne and I were fairly started, and as the sky darkened we quickened our pace until we were flying at racing speed along the dusty highway. My companion rode as I had never imagined a girl could. She was as much a part of her horse as any rider of the plains, holding the animal under firm control without nervous straining of the arms, and sitting well back in her saddle with the ease and confidence of the born horseman. Even when our excited animals threatened to make a wild race of it, her face expressed only intense exhilaration and delight in joyous response to the rushing wind and the glorious motion of the gallop, and it was I who first moderated the pace. A few scattered raindrops soon hastened us on again, however, and we flew forward once more in another mad rush, which landed us safely under cover of a wagon-shed just as the storm broke out in all the fury of a tropical thunder-shower.

Before I was able to assist her, my companion jumped lightly to the ground and began loosening her saddle-girths, and I followed her example, and then,

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seeing that both horses were steaming hot, I pushed a farm-wagon out of the way and led them behind it where they would be sheltered from the wind. A couple of canvas curtains hanging from the rafters supplied the necessary blankets, and I soon had our mounts as comfortably housed as they would have been in their stables. When I emerged from the improvised stalls I found Miss Barbara seated tailor-wise on the bottom of a big hay - wagon drying her straw hat with her handkerchief.

"Well, you look comfortable," I observed.

"I am," she answered. "That gallop cleared my mind and renewed my spirits, and I feel bustingly buoyant again. Don't you?"

"'Bustingly buoyant' sounds rather dangerous," I laughed.

"It is dangerous," she returned. "That's what makes it such fun. If you've never felt that way before, you'd better begin right now."

"The conditions are certainly favorable," I began.

"The conditions are certainly favorable," she repeated, mockingly. "I love your beautiful formal phrases, but please don't talk like a minuet to-day. I shall bump you terribly if you do, for I feel like a Virginia reel. Now don't look frightened, for we'll begin very mildly with a straw-ride. Jump in!"

"A straw-ride without bumping?" I suggested, climbing over the front wheel.

"And without straw. Isn't that ideal? This hay is perfectly luxurious. Nothing like hay for a cold

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in the head, says the White Knight, but I say nothing like hay for a straw-ride. Don't you agree with me?"

"Perfectly," I responded, dropping into the cart. "But my experience is limited."

"Your education has been sadly neglected," she interrupted. "I'm going to take it in hand from now on. Which reminds me that we haven't settled on a date for your coming-out party. When is it to be?"

"As soon as I am free again," I answered, seating myself opposite her.

"And when will that be?"

She was repinning the ribbon which she had removed from her hat and did not look up as she spoke.

"I cannot say," I answered.

"To-morrow?"

"I hardly think so."

"The next day?"

I noted the anxious tone of the question, but made no immediate answer.

"Time is for slaves, not straw-rides," I responded, after a pause.

She glanced up from her occupation and nodded.

"Your straw-riding experience is not so limited but you learned that," she asserted, knowingly.

"It is limited to one ride," I answered.

"Tell me about that one."

"I'm afraid you would laugh if I did."

"I promise I won't."

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"But you might think it a breach of confidence."

"It won't be if you tell it."

"How do you know?"

"Because I'm certain you wouldn't tell it if it were."

I bowed with exaggerated politeness.

"Thank you, mademoiselle, for the compliment," I began, "but—"

"You would be the last person in the world I would try to compliment," she interrupted, with sudden seriousness.

"Why?"

"Because you are the sort of man who instinctively knows the truth when he hears it."

Her eyes met mine as she spoke, and I held them for a moment with questioning earnestness.

"Do you really believe that?" I demanded.

"I am absolutely certain of it, or I wouldn't dare say it."

She spoke impulsively, confidently, and her tone and manner were as grave as they had been gay a moment previous.

"I wish I could think you were right," I answered, solemnly. "But your other mistake has shaken my faith," I added, lightly.

She gazed at me with a puzzled expression.

"What other mistake?" she queried.

"Don't you remember saying that my face expressed my thoughts so clearly that you could read them at a glance?"

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"Certainly, but—"

"But you didn't do it."

"When?"

"This morning. Did you read my thoughts then?"

One of the long hat-pins dropped from Miss Barbara's fingers, and she began hunting for it in the hay.

"When you were playing mirror?" she inquired, still groping for the pin.

"Mirrors merely reflect," I answered. "They do not think. Did you learn my thought of you?"

"Of me? No."

"Can you read it now?"

There was a moment's pause, and then the girl lifted her head and faced me, her cheeks crimsoning under my steady gaze.

"Can you read mine?" she demanded, smilingly.

"My question came first," I protested.

"It will chivalrously yield to mine though, I am sure," she asserted. "What am I thinking of?"

I hesitated as I gazed into her eyes, but her glance never wavered.

"You are thinking that I do not know you well enough to put my question," I answered, slowly.

"Wrong," she responded, brightly. "Try again."

"You are thinking that I am presumptuous to suppose you would care to read what you have seen and now see in my eyes."

She shook her head.

"You are a poor guesser," she answered, "or else



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I have no gift of facial expression. Do you give me up?"

"I do not," I answered, meaningly.

"Then what am I thinking of?" she demanded, ignoring her slip.

"I do not know," I admitted.

"Then I'll tell you," she responded, confidentially. "I'm thinking of food."

"Of food?"

"Of plain, every-day, common or garden food. I'm hungry."

The girl leaned forward, resting her elbows on her knees and her chin in her hands as she made this tragic announcement, and as I watched the comical expression of her eyes my face gradually relaxed into a smile. She had outmanœuvred me, and the most graceful move for me was to capitulate with a laugh.

"I ought to have guessed that secret," I exclaimed, looking at my watch. "But if there are any signs of clearing you may still arrive for luncheon. Are we far from Pollicet?"

"We're much nearer Melton."

"A good idea. Let's take a look at the weather."

I jumped from the wagon and held out my hand as she sprang lightly from the wheel to the ground. It was still raining, but the thunder was sounding fainter with every rumble, and there were signs of a break in the clouds to the west as we peered from our shelter.

"Suppose we saddle the horses and be ready to

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start as soon as the rain stops," I suggested. "We won't have long to wait."

"Very well, but let's rub the poor things down first," she responded. "Bring Dolly out, please, and I'll take care of her. Is there a cloth or brush lying anywhere around?"

"I'm afraid we'll have to use wisps of hay," I answered, glancing about me.

"Well, if we're not the most selfish couple!" she exclaimed, contritely. "Talk about dogs in the manger! Think of our making cushions of this hay with two hungry horses under our eyes. It's shameful! And now to rub them down with it!"

"That is really rubbing it in—isn't it?" I laughed, as I drew off Dolly's canvas blanket and led her out from behind the wagon.

"Poor Dolly!" murmured Miss Barbara, sympathetically. "You shall have a bite, dear, anyway, while I brush you off."

I shall never forget the business-like manner in which my companion rolled up her sleeves and hummed to the mare as she swept over its glossy coat. It was evident that this was not the first time she had officiated at Dolly's toilet, and I can testify that she performed it with no inexpert hand.

The sky had grown dark again as we worked, but by the time the saddles were on and the girths adjusted the rain had stopped, and I concluded that we had better make the best of the opportunity and try to reach Melton before it stormed again.

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"Let's run for it," I suggested.

"Very well," she answered, motioning me to swing her into the saddle. "Let's ride to the livery-stable, leave the horses there, and then I'll take you to the dearest little bakery— What's that?" she exclaimed, as a distant rumble reached our ears.

I swung her into the saddle, and rushing into the road looked in the direction of the noise. One glance was sufficient, and darting back to the shed I sprang upon my horse.

"It's a runaway team coming this way—just crossed the bridge!" I shouted, urging my horse forward.

"What are you going to do?" she exclaimed, following me closely.

"Stop it if I can," I answered. "Look out for yourself!"

The team was less than a hundred yards away as I spoke, and it was coming at whirlwind speed, but I calculated that the heavy coach, which was swerving from side to side, and the slight up-grade would check the frightened horses before they reached my stand. Even as this thought crossed my mind their pace slackened, and then to my amazement I saw the driver raise his whip and lay lash after lash upon their quivering flanks.

"Stop! The man's mad! Don't try—"

A piercing shriek from the carriage cut off my companion's warning, and in another instant the team was upon me. I was in full motion when my hand grasped the rein of the nigh horse, and for a few rods

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we tore along together. Then suddenly I felt a glancing blow on my head, the coach struck a boulder, and the driver was hurled headlong from his seat. The relaxed reins gave me the necessary purchase, and my first effort proved that the team could easily be controlled if I could only keep them in the road, but as I pulled they crowded me to one side, and I was soon fighting to save myself. Closer and closer they pressed me to the bank until it was no safer to let them go and have the carriage crash into me than it was to cling on and risk being crushed under their hoofs. Suddenly I felt them swerve from the bank, and glancing to the right I saw Barbara Frayne clinging to the bridle of the off horse, and before another hundred yards were covered the runaways were at a stand-still, panting with exhaustion and quivering in every limb.

"Bravo! and well ridden, comrade!" I shouted, as soon as I could speak. "Another moment and I'd have been done for! I owe you—"

"The passengers!" she gasped, pointing to the carriage.

I leaped from my horse, and running to the coach tried to open the door, but, finding the handle missing, thrust my head through the open window and peered inside. In the farther corner cowered the house-keeper, Madeleine Mapes, with the Field girl lying unconscious in her arms.

## XIX

AMAZED as I was at my discovery, there was no opportunity for conjecture or question, for the condition of the Field girl demanded instant attention, and, requesting Miss Frayne to leave the horses and get some water, I hurried to the other door of the carriage only to find that it, too, lacked a handle and could not be opened either from without or within. A resort to force was the only alternative, and dragging a fence-rail to the carriage I shoved it through one of the windows and used it as a battering-ram on the opposite door until it burst open with a crash of splintered wood-work. In another instant I had the unconscious girl on the grass by the roadside and Barbara Frayne and Miss Mapes were working over her side by side. Neither woman spoke until the patient was restored to consciousness, but the moment she opened her eyes the housekeeper threw her arms about Miss Frayne, who returned her embrace with equal warmth, and the two remained silently for some moments clasped in each other's arms. It was the first sign of recognition which had passed between them, and I was fairly astounded by the sight. It had never occurred to me that Barbara

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Frayne might know more than one member of the Shaw household, and under the existing circumstances the housekeeper was the last woman in the world with whom I would have had her acquainted. Miss Mapes's first words, however, assured me that they had never met before.

"May God bless you, dear Miss Frayne!" she exclaimed. "You see, I know the name of my preserver, even if she doesn't know mine," she added, smilingly.

"You are Miss Mapes—aren't you?" Miss Barbara queried, hesitatingly.

"Yes, and this is Betty Field. Have you ever heard of Betty? No?"—the housekeeper stooped over the prostrate girl, and, placing her arm about her, slowly raised her to a sitting position—"Betty," she continued, "this is Miss Frayne—she saved us—saved your life and mine."

"Indeed I didn't," protested Miss Frayne. "Mr. Lambert stopped the horses. I merely helped to keep them in the road."

"Mr. Lambert!"

The housekeeper's arms relaxed and allowed her burden to sink back unnoticed upon the grass as she leaned forward excitedly.

"Not Mr. Lambert, the foreman?" she whispered, incredulously.

Miss Frayne gazed at the woman in surprise.

"Yes. What is there so startling in that?"

"Why—er—I don't know— Nothing, I suppose. Nothing is surprising after— Where is he?"



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"Within ten feet of you," answered Miss Barbara, in a warning tone.

I could feel the woman's searching glance even with my back turned, but I continued working with the horses until she spoke my name.

"Mr. Lambert."

I turned to the group on the road-bank and nodded smilingly to Miss Frayne.

"Your patient is herself again?" I queried.

The housekeeper rose without answering and came to me, holding out both her hands.

"I owe my life to you, Mr. Lambert," she began. "I and this girl here. All we can do is to pray God to bless you and thank Him for you."

"I am glad we happened to be here," I answered, bluntly, ignoring her out-stretched hands. "Wouldn't it be well to get that young woman to a farm-house?" I suggested, turning to Miss Frayne, who was still chafing the girl's hands.

"Perhaps," she answered. "What do you think, Miss Mapes?"

Then suddenly she turned to me with an expression of horror.

"The driver!" she cried. "We've forgotten the driver!"

We stared at one another for a moment in silence, and then I hastily tied my horse to the nearest fence-rail and started down the road.

"Wait a moment," called Miss Mapes, hurrying after me. "I'll help, though God knows the devil

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doesn't deserve any help. He tried to murder you, Mr. Lambert," she added, in a low tone, as she overtook me.

I stopped and stared in amazement at the woman.

"Tried to murder me?" I ejaculated, incredulously. "What do you mean?"

"I mean just what I say," she panted. "God knows why he did it, but I saw it all as plainly as I see you, and if something hadn't thrown him off his balance he'd have brained you with the butt of his whip. Why, he struck at you like this!"

The woman raised her arm high above her head and brought it down with all her strength, and as she did so I remembered having felt something graze my head just before the man fell.

"Was he drunk or crazy?" I demanded, searching for his body in the long grass.

"God knows, Mr. Lambert—I don't; and I don't like to think."

"How did you happen to be with him?" I inquired, indifferently.

"It was just a chance, sir—the merest chance. Betty and I went to town this morning to make some purchases, and while we were there it came on to rain and I asked a young man standing in front of one of the shops to get us a carriage from the livery-stable. He was gone a long time, and when he returned he said he'd had some trouble in finding a covered conveyance, but that he'd got one at last. Then this hack drove up, and I told the driver to take

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us to the railroad depot. He started, but we hadn't gone a hundred yards before he turned into a side road and began driving like mad in the opposite direction. I hammered on the window and called out, but he went on thrashing the horses, and when I thrust my head out and screamed at him he lashed me across the face. You can see the mark."

I glanced at the woman's face, across which a red welt was plainly visible, mutely vouching for her story.

"It was somewhere about here he fell, wasn't it?" I inquired.

"Farther back, I think," she answered.

"And the girl with you fainted?" I prompted.

"She tried to open the doors and get out, but the handles were broken off. Then she tried to jump through the window, but I held her back. It was when she saw him strike at you that she fainted. Here's where he did it, Mr. Lambert," she continued, excitedly. "See! Here's the stone we hit, and here's where the wheels slewed across the road, and here's his hat, and—"

"Here he is," I interrupted, for I had stumbled over the man's body as she was speaking, and was already kneeling beside him. He was cut on the forehead, but though unconscious he was still breathing, and plucking a handful of wet grass I began wiping away the blood from his face.

"Good God!"

I looked up and saw the housekeeper peering over

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my shoulder at the man's ghastly face with an expression of horror, and before I could question her she swooped down and plucked his beard, which yielded to her touch, revealing the features of Barstow's man Hunt.

I do not know what saved me from uttering the exclamation of surprise which rose to my lips, but I made no sound, and when the housekeeper looked up at me wild-eyed with terror, I met her with a glance of calm self-control.

"The gentleman evidently disguised himself," I observed.

I could see the woman surreptitiously watching me as I worked to restore the man to consciousness, her face gray with fear, and I knew the doubts which racked her. Should she acknowledge her acquaintance with the man and risk my further questioning, or should she deny him and chance his supporting her when he regained his senses? Either course was dangerous, but which was the more perilous depended upon whether the man was a kidnapper or a confederate. I could easily have forced her to a decision, but I deemed it wiser to watch her and wait the course of events. This would be, perhaps, my only opportunity outside of the court-room to substantiate my suspicions, and I must make the best of it. The injured man, however, opened his eyes before the housekeeper committed herself in any way, and if he was aware of her presence his face did not betray it. Certainly he did not recognize

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me, and the first words he uttered showed that his mind was affected.

"No, sir," he muttered, in a dull, wandering tone, looking straight into my eyes and apparently addressing me. "No—I've done a great deal—enough—too much. That's kidnapping. Leave alone—leave her alone, I say. Give her rope enough and she'll hang herself. No. I won't—too risky—won't work. Didn't I tell you it was foolish to—foreman. State line five miles? It's six! Seven! Get some one else—I won't— Yes, yes, yes, I will!" he shrieked, starting up with a look of terror. "I'll do it—I'll do—"

Suddenly his eyes focussed on Miss Mapes's face, and his expression of horror turned to a horrid grin which changed to laughter as he pointed a trembling finger at the woman.

"You— You'll kill—kill her, sure. You're dead, anyway— Any time we like! Ha, ha!" he laughed. "Hi, there! Get along! That 'll make you smarter! Skip now!"

He swung an imaginary whip over his head, and then sank back exhausted.

I glanced at the housekeeper as the man's eyes closed again, and found her gaze fixed upon me.

"We must get help," I began. "This fellow is badly injured."

"He's mad! Quite mad!" she exclaimed, nervously, rising to her feet. "If I'd only noticed it before we started," she muttered. "I'll try to get somebody from one of the farm-houses."

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She fled down the road, and I watched her retreating figure until a feeble muttering again diverted my attention to the man. I bent over him and listened eagerly to his ramblings as I bathed his forehead, but I could make nothing of his disjointed sentences.

Presently the sound of hoof-beats reached my ear, and glancing over my shoulder I saw the housekeeper approaching hurriedly, accompanied by a man on horseback.

The new-comer sprang from his saddle as he saw me.

"What, Mr. Lambert!" he called out. "I didn't expect to find you here, sir."

I stared at the speaker in surprise, and at the same instant recognized him as Mr. Gilbert's associate.

"Mr. Corning!" I exclaimed. "Where did Miss Mapes find you?"

The assistant prosecutor instantly turned to the woman beside him.

"Mapes?" he repeated. "Why, of course! You're Madeleine Mapes. I didn't recognize you in the excitement of the moment, although you're the very person I most wanted to see. Will you be good enough to take this, please?" he continued, pulling a paper from his pocket and thrusting it into her hand.

"What is it?" she inquired, dumbly, staring at the document.

"It's a subpoena to attend court to-morrow as a



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witness in the Emory case," he answered, coolly, as he bent over the body of the wounded man. "We must get this fellow into a farm-house, Mr. Lambert," he continued, glancing up at me. "He's hard hit."

But my eyes were on the housekeeper's face as he addressed me, and I confess I thrilled with all the savagery of a hunter as I noted that she was hit the harder of the two.

## XX

A SLEEPLESS night usually seems interminable, but the hours I tossed and turned on my bed in the Melton House after that day's experience fairly flew on black wings, and no criminal awaiting execution ever shunned the approaching dawn more shudderingly than I as the sun rose on the fourth day of the Emory trial. The duty which had been imposed on me had depressed me from the start, and it had grown more burdensome with every step, until I fairly staggered under its weight.

When the suspicion of the housekeeper's guilt first entered my mind, I believed a brilliant opportunity lay before me; but as I struggled through the long hours of the night another possibility presented itself and added to my responsibilities. Suppose that only a part of my suspicions were justified, and that, instead of clearing the defendant, I merely succeeded in unearthing her accomplice?

This thought no sooner crossed my mind than it took possession of it, calling up facts and circumstances to give it substance and support. The two women were friends. They had lived in the same house and doubtless knew each other's secrets.

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Barstow had evidently persuaded the housekeeper to leave the State during the preliminary investigations, and his advice was fully justified by the little I knew. She had almost admitted in my hearing that she had secretly destroyed a blue skirt—presumably Miss Emory's—and she had threatened the Field girl into silence concerning it. Now she had returned within the jurisdiction of the court, the prosecution had summoned her as a witness, and I knew, if Gilbert did not, that she had occupied Alice Emory's room on the night Shaw's life was taken. What was the significance of these ugly facts? Was there a single circumstance among them all which pointed clearly to the defendant's innocence? On the contrary, was she not involved in all the new developments?

What was the truth concerning the runaway team? Had the housekeeper repented her temerity at the last moment, and attempted to put herself and the Field girl beyond reach of the prosecutor's subpoena, or had Barstow kidnapped the two women and ordered Hunt to get them over the State line and keep them out of harm's way until the trial was over? Hunt's disjointed sentences seemed to leave the matter in no doubt—but could I rely on them?

The conversation at the farm-house proved that Barstow and Miss Mapes were at odds over the proper policy to be pursued, and it might be that the lawyer had resorted to force rather than submit to a disarrangement of his plans. Moreover, the condition

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of the carriage doors was suspicious evidence that its occupants were prisoners. But if this were the true explanation of the affair, it demonstrated the importance which Barstow attached to the women's testimony. He would never have incurred the risk of carrying them off unless their presence seriously threatened his client. Had I interfered with one of his measures for her safety and enabled the prosecution to procure testimony which would incriminate or convict her? Was it not enough that I should be charged with judging Barbara Frayne's friend without being fated to supply the proof against her?

Thus all night long my mind evolved questions and answers, and questions without answers leading to more questions still, until I fell asleep from sheer exhaustion just as the breakfast-bell was ringing; and when I reached the dining-room I found the other jurors had already started for the court. I had no appetite, however, and, after vainly attempting to force myself to eat, I rose from the table and reluctantly followed my associates.

I think the court-room was even more crowded than on the first day of the trial, and as I elbowed my way to the jury-box I was more painfully aware of the concentrated stare of the spectators than ever before. I was conscious, too, of a change in the atmosphere of the place which filled me with dread. Formerly the audience had been curious and apathetic. Now I felt it was curious and unsympathetic, wanting only slight provocation to become hard and

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cruel, and I remembered with a sinking heart that each succeeding exhibition in the Roman amphitheatre counted a greater number of inverted thumbs.

"The Judge wants to see you in his private room," whispered a court-attendant in my ear.

I started at the summons, but rose and followed the man, feeling every eye in the place upon me as I crossed the room.

Judge Dudley acknowledged my entrance with a grave inclination of his head as the door closed behind me, but his reception was far from cordial. Indeed, his severe expression so completely occupied my attention that I did not immediately observe that Gilbert and Barstow were also present. Before I could conjecture what was coming, his Honor interrupted my thought by ordering me to sit down.

"Mr. Lambert," he began, "I was yesterday advised that you, the foreman of this jury, contemplated disobeying the orders of this Court and were only prevented from so doing by accident. I take occasion to inform you, sir, that a bench-warrant was issued for your arrest and would have been executed had not Mr. Corning found you within instead of without the limits of Melton township. Now, sir, quite apart from any question of the respect which you owe this Court, I am surprised that a gentleman of your intelligence should jeopardize the comfort of his fellow-jurors, to say nothing of imperilling the conduct of this case, by taking undue advantage of the liberty accorded him. I

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have refrained from enforcing strict custody of the jury, and it is entirely due to these gentlemen"—he waved his hand towards the lawyers—"that I do not now do so. However, I warn you that no infraction of either the letter or the spirit of my orders will be tolerated in future, and if you have no consideration for the comfort of your associates you will do well to have regard for your own safety. That is all I have to say, sir. You may now return to your place in the jury-box."

I rose from my seat, flushing with indignation. I had been scolded like a school-boy, but I did not propose to be dismissed like one.

"If your Honor will permit me—" I began, with dignity.

"No speeches, if you please, Mr. Lambert," the Judge interrupted, curtly. "I know your excuse, and it is not good. You may retire, sir."

"But, your Honor—" I protested, hotly.

The old man turned on me, his eyes flashing and his underlip protruding dangerously.

"You may retire, Mr. Lambert!" he thundered. "Did you hear me? You may retire!"

I backed towards the door and re-entered the court-room, my face still hot with anger. Before my fellow-jurors could question me, however, an attendant announced the advent of the Judge, and his Honor took his place upon the bench. Then, as my eyes fell upon Gilbert, my wrath received fresh impulse, and I fairly boiled with indignation. He



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had taken a contemptible advantage of an opportunity to humiliate and embarrass me, and the fact that I could neither retaliate nor show my resentment did not serve to comfort me. There was some compensation, however, in remembering my morning with Miss Frayne, and I dwelt upon it with cooling satisfaction as the clerk called the roll of the jury. Before the last man answered to his name, however, Judge Dudley stopped the proceedings with a rap of his gavel on the desk.

"Wait a moment!" he ordered, glancing over the room. "The defendant is not present. What does this mean, Mr. Barstow?"

The lawyer arose, and, stepping to the railing, laid his hands upon it and gazed earnestly at the Judge until he held the attention of every man and woman in the room.

"If your Honor please," he began, in a low tone, but which could be distinctly heard in the farthest corner of the room, "I must crave the indulgence of the Court for my client this morning. I rose from a sick-bed myself, only a few hours ago, to find Miss Emory so seriously indisposed that I insisted upon her seeing a physician before she attempted to appear in court. I have word, however, that she is now on her way here, and I trust your Honor will overlook the delay."

Gilbert caught the Judge's eye as Barstow ceased speaking, and immediately addressed the Court.

"I will very willingly consent to an adjournment

## THE ACCOMPLICE

if my opponent considers his client physically unequal to continue the trial," he announced.

"I appreciate my learned adversary's attitude," answered Barstow, promptly. "And I would gladly avail myself of his courtesy, but my client desires the case to continue without delay, and I agree that if she can possibly be present it is only fair to the Court and the jurors, to say nothing of counsel and witnesses, that she make the effort. We are ready to proceed at once, sir," he added, as a young man entered the court-room and whispered something in his ear.

The Judge nodded, and Barstow immediately followed the messenger out of the room.

A buzz of conversation instantly began all over the room, and I thought I could detect sympathetic glances passing between the spectators as they talked. I had feared an unfavorable impression might be created by the prisoner's illness. But it had apparently softened and humanized them.

At last the door opened, and every eye in the room turned to it as the defendant entered, leaning heavily on her counsel's arm. She was very pale, but the same calm, resolute, fearless expression was in her eyes, and I was impressed anew with the sweetness and gentleness of her face. Instinctively I felt a tide of sympathy and pity surging around her as she moved slowly towards the counsel's table down the narrow aisle lined with faces, and, conscious of its effect upon myself, I glanced inquiringly at the hardened court officials, and saw that even they

## THE ACCOMPLICE

seemed moved to compassion at the sight of the frail little woman courageously facing her judges and accusers.

Barstow appeared wholly unconscious of the spectators, for his gaze was centred on his client's face with a tenderness almost womanly in its sympathy, and as I watched him—his great, coarse, red paw resting gently and comfortingly on the small hand laid within his supporting arm—I modified my harsh judgment of the man and almost forgot my suspicions against him.

The little procession halted before the counsel's table, and Barstow tenderly supported his client as she slowly sank into her chair, and then, laying his hand encouragingly upon her shoulder, whispered a few words in her ear and remained gazing earnestly into her eyes until he received her answer. Then he turned to the Bench, as aggressive and determined as ever.

"We are ready to proceed, your Honor," he announced, in the firm, clear voice of challenge.

The picture had been touching and pitiful. It was now brave and dramatic, and as I thrilled to it I thought the whole room thrilled with me.

Then Bayne touched me with his foot, and, turning, I saw him trace four letters on his knee—S, H, A, M.

## XXI

THE shock of Bayne's mute message numbed me for an instant, but when I fully realized its meaning I felt resentful and irritated. I was provoked with my associate for presuming to warn me against being hoodwinked, and annoyed with myself. A cheap trick to catch the jury's sympathy was quite in line with Barstow's other dubious tactics, but to admit that he had attempted it was to acknowledge that I had been caught, and I covertly scanned the faces of the other occupants of the jury-box to discover what impression had been made upon them by the scene we had just witnessed. The result was not reassuring. There was no indication of concern or sympathy in any of the juror's faces. Indeed, I thought I detected signs of impatience and disgust in more than one countenance, and I reluctantly reached the conclusion that I was the only man who had been deceived by Barstow's cheap manœuvre. But while I admitted this to myself, I was conscious of resenting the failure of the trick rather than the trick itself.

Barstow had at first impressed me as an able man, truculent and disagreeable, but keen and resourceful.

## THE ACCOMPLICE

His conduct of the case, however, had been singularly disappointing. His defence had been watchful, but his offence was feeble, and his strategy not only ineffective, but unscrupulous. But if I had lost all confidence in his generalship, it was evident that the defendant did not share my misgiving. Her face expressed implicit trust and confidence in her adviser, and as I watched her eyes following his every movement, I experienced a feeling of intense pity for the woman and a desire to protect her from the errors of the blundering bully to whom she had intrusted her life. I had no legal training whatever, but I argued that I was in a better position than any lawyer to judge the necessities of the case, and I determined to draw attention to Madeleine Mapes at the first opportunity and save a miscarriage of justice.

My resolve was no sooner taken than Barstow proceeded to justify it by a move which to my mind was recklessly foolish, for he at once recalled the disastrous close of the last day by moving to strike the bank cashier's testimony from the record. The witness had had no right, he declared, to testify that the checks with the doubtful signatures had all been drawn to the order of Alice Emory. The papers themselves, he insisted, were the best evidence of what they contained, and he demanded that they be produced if any inference was to be drawn from their contents.

The only effect of this speech was to emphasize an injurious fact, for Gilbert immediately pointed out



## THE ACCOMPLICE

that Barstow himself had opened the door for the cashier's disclosure by introducing the subject of the disputed checks, and that having done so it was too late for him to shut out unfavorable answers. The Judge promptly agreed with him, and the defendant's counsel took an exception to the ruling of the Court.

I had heard Barstow utter the word "exception" on other occasions when the Judge had decided against him, but not until then did I realize his purpose. He was recording all possible errors of the Court on technical points of law, in the hope of overturning the verdict in a higher court. He was intrenching himself against the hour of defeat—falling back upon his lines of retreat! My heart sank at the discovery. If he was relying on such tactics he must have very little confidence in his cause. The thought aroused my indignation and lent fresh impulse to my plan of action. If he had given up the fight, I had not even begun fighting, but when I did I would surrender only when my faith was shattered and my every conviction captured.

"Dr. MacLean, please take the stand."

The physician who had testified at the first hearing rose at Gilbert's bidding, and as he seated himself in the witness-chair I ceased to be a mere spectator and became a volunteer.

Dr. MacLean testified that he was Mr. Gregory Shaw's executor, acting under a will made more than a year before the testator's death, and which had been regularly proved as his last will and testament.



## THE ACCOMPLICE

"Was there any effort made by any one, doctor, to prove the will leaving all Mr. Shaw's property to his wife Alice?"

Gilbert held the disputed document in his hand as he put the question.

"No one appeared especially in support of that paper," the witness answered, "but it was submitted to the Court and rejected."

Gilbert then offered in evidence the record of the probate court admitting the one will and rejecting the other, and after a long wrangle between the lawyers the Judge received the proof, his decision being again followed by Barstow's ominous "Exception!"

The admission of this evidence did not seem important to me. Of course it went far to prove that the "wife" will was a forgery, but it by no means demonstrated that the defendant had forged that document, which was the real point at issue. But Barstow apparently scented danger, and when he turned to cross-examine the physician he was in his ugliest mood.

I had been favorably impressed by Dr. MacLean. He was a grave, earnest man, dignified in his bearing, precise in his speech, and apparently conscientious, but the moment his eyes met Barstow's glare I could see there was no love lost between the two men.

"You are familiar with Mr. Shaw's handwriting, are you not, doctor?" Barstow began, in a sharp tone.

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"Yes, sir—tolerably so," the physician answered.

"Why so cautious, doctor?" the cross-examiner queried. "Haven't you seen him write hundreds of times and received countless communications from him?"

"I am familiar with his writing, sir."

"Then say so, doctor! You're not afraid of dropping a word which might favor this defendant, are you?"

The witness flushed angrily at the insinuating question.

"You know I am not, sir!" he responded, indignantly.

"It is not a question of what *I* know, but of what *you* know, doctor. We want the full benefit of your knowledge, without tags or mental reservations. Knowing the handwriting of the deceased as you do, are you positive that this is his signature?"

The lawyer held out the will of which the witness was executor.

"I certainly am."

"You are positive?"

"Quite."

"And this signature on the 'wife' will—you believe this to be a forgery?"

Barstow thrust the document towards the witness, but the physician stared through his gold-rimmed spectacles at his questioner and sat back in his chair without glancing at the paper.

"It is not important what I believe," he an-

## THE ACCOMPLICE

swered, after a pause. "The question of forgery is for the Court to decide."

"Still cautious, I see, doctor," Barstow sneered. "Did you ever hear of the cautious Congressman who copyrighted his speech? Well, he died of his trouble, and you're injuring yourself. Won't you answer my question if you've nothing to conceal? Do you believe this signature on the 'wife' will to be a forgery?"

The witness hesitated and then shot out his answer like a retort.

"Yes, sir—I do!"

Barstow greeted the answer with a savage smile.

"Good!" he ejaculated. "You can answer when you want to, I see. Now, tell us how those two signatures differ one from the other."

"I cannot do so."

"What?"

Barstow put his hand behind his ear as though he had not caught the answer.

"I cannot do so."

The reply was repeated firmly, in a low tone, but Barstow was not satisfied.

"Do you mean to tell us," he demanded, "that you do not know why you think one genuine and the other a forgery?"

"I cannot point out any particular difference in the signatures, if that is what you want."

"You mean you have some reasons not supplied by the signatures themselves for believing one forged and the other genuine?"

## THE ACCOMPLICE

"Precisely."

Barstow stepped back from the railing and studied the jury as he put the next question.

"Let us see if we cannot unearth some of those reasons, doctor. You receive a legacy of ten thousand dollars under the will you think genuine, do you not?"

"Yes, sir."

"That is all, doctor, I won't trouble you further. Good-day."

The court-room was in a titter as Barstow resumed his seat, but it instantly hushed as the witness leaped from his chair and pointed a shaking finger at the lawyer's face.

"You are a liar and a coward, sir!" he began, but before he could continue the Judge's gavel crashed upon the desk.

"Take your seat, Dr. MacLean!" he thundered. "How dare you use such language in my court, sir!"

The witness glanced at the angry magistrate and slowly retreated to his chair, his face fairly distorted with rage.

"Apologize!" whispered Gilbert, quickly. "I'll take care of Barstow."

The witness reluctantly turned to the Bench.

"I beg the Court's pardon," he muttered, his voice still shaking with fury.

The Judge glanced sternly at the speaker, started to reply, but paused and turned to the prosecutor.

"Continue your examination, Mr. Gilbert," he

## THE ACCOMPLICE

commanded. "I will consider your case later, sir," he added, addressing the physician.

Gilbert allowed the witness a moment to recover his self-possession, but MacLean's eyes remained loweringly on Barstow's face.

"Dr. MacLean," began the prosecutor at last, "is the estate of Gregory Shaw solvent?"

"It is not, sir. The claims against it are double the assets."

"So that the creditors will get the entire estate?"

"Yes."

"And the legatees nothing?"

"Not a penny."

"Then, doctor, you are not personally interested in declaring the so-called 'wife' will a forgery?"

"I am not, and that man knows it."

The speaker pointed his finger menacingly at Barstow.

"That will do, doctor."

Gilbert sat down, but the physician did not move from his seat.

"Any further questions, Mr. Barstow?"

The lawyer glanced up at the Judge's question, and regarded the witness with an expression of contempt.

"So you have realized on all the assets of the Shaw estate, have you?" he inquired, menacingly.

"No, sir, I have not."

"And yet you say they will not equal the liabilities?"

## THE ACCOMPLICE

"They will not."

"How do you know, if you haven't sold them?"

"I know about what they will bring."

"You are a prophet, eh? And the liabilities? You have passed all those and know them to be genuine and proper claims against the estate?"

"Almost all of them."

"But not all?"

"No."

"Then with assets unsold and debts undetermined, aren't you despairing of your legacy too soon, doctor? Isn't there a ray of hope left for you yet?"

The witness made no reply, and the counsel resumed his seat, his eyes on the jurors' faces.

"Anything further, gentlemen? No? Then you may retire, doctor."

The physician lifted his eyes from Barstow's face as he heard the Judge's words, and slowly turned to the Bench.

"May I make a statement?" he requested.

"If it touches the case."

*"It touches the case at its core."*

Gilbert dropped the papers he was examining and stared at the witness, and every one else in the room sat as though turned to stone.

"Proceed, sir, we are waiting."

I could hear my heart throbbing with excitement as his Honor spoke.

"I was asked," began the witness, his voice shaking with anger—"asked by this—person"—his eyes



## THE ACCOMPLICE

sought Barstow's as he indicated him with a trembling finger—"if I had some reason for thinking one of the wills in this case a forgery. I have not yet given that reason. I was willing not to give it, but my integrity having been questioned, I will withhold nothing. This defendant was in the habit of signing Gregory Shaw's letters, and I could not tell his own signature from hers, she imitated it so perfectly. Mr. Shaw knew she could do this, and encouraged her to do it, and I have talked with him about it."

The witness paused, but no one moved or spoke, and all eyes sought the defendant, who was gazing earnestly at Barstow. The situation was critical, and I felt that nothing could save it if Barstow did not immediately take action, and when at last he leaned forward and whispered in his client's ear, I could stand the suspense no longer, and rising from my chair I faced the Bench.

"May I ask a question?" I inquired.

The Judge frowned and hesitated a moment.

"I think you had better allow counsel to cross-examine, sir," he responded, coldly.

"I will yield to the gentleman." Barstow glanced over his shoulder and waved his hand towards me as he spoke.

"Very well, sir," snapped the Judge. "Proceed."

"I want to ask the witness," I began, "why he thinks one will genuine and the other a forgery, if the two signatures are identical?"

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"That question has already been asked and answered," Judge Dudley interrupted.

"I think not, your Honor," I persisted. "The witness said he could not distinguish one signature from the other, and he now says Miss Emory could imitate her employer's signature to perfection, but he has not told us why he selects one in preference to the other."

"I submit that this is argument," interposed Gilbert, rising as he spoke, "and I object to it."

"Objection sustained. Now, Mr. Barstow—"

The Judge turned to the counsel, but I refused to be snubbed or side-tracked and remained standing.

"I have another question, if the Court will not allow that one," I persisted.

"Good for you, Foreman! Stick it out!"

I half turned as I heard Bayne's encouraging whisper, but the Judge's disapproving glance arrested my further movement.

"I cannot have the orderly conduct of the case interrupted, sir," he decided. "Please take your seat."

"May I not ask one more question, your Honor?" I pleaded. "This is an important point, and—"

"That is an improper statement for you to make, sir—"

"I beg your Honor will allow the juror to proceed," interrupted Barstow.

The Judge impatiently shoved aside the papers on his desk, glancing angrily at the jury-box.

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"Well, what do you want to know?" he demanded, in a tone of annoyance.

"I want to know why the witness has concealed the facts he has just related until the present moment," I responded.

"I object to the word 'concealed,'" interposed Gilbert. "The witness was not questioned concerning the matter, and that is all there is to it."

"I should like the witness's own answer," I retorted.

"*Sic 'em! Sic 'em!*" whispered an approving voice behind me.

"I did not think it my duty to volunteer testimony," responded the witness, lamely.

"And yet you knew it went to the core of the case," I persisted.

"Now, that will do," interposed his Honor. "Do you wish to cross-examine, Mr. Barstow?"

"Did you ever—" I began.

"That will do, sir!" thundered Judge Dudley. "Didn't you hear me, sir? That will do!"

"Did you ever see Miss Emory actually sign—"

"Mr. Lambert, if you speak another word I'll hold you in contempt of Court!"

The Judge leaned threateningly over his desk, and menaced me with his finger as he spoke, and at the same moment some one gently patted me on the back.

"Did you ever see Miss Emory actually sign Mr. Shaw's name?" demanded Barstow, taking up my question.

## THE ACCOMPLICE

"No, sir."

"Then all this you have told us is mere hearsay, is it?"

"I heard it from Mr. Shaw."

"Who is dead and can't be cross-examined! Your Honor, I move to strike every word of this testimony from the record."

Barstow pointed to the stenographer's open notebook as he spoke.

"Motion granted. Strike it out."

Bayne patted my knee as Judge Dudley gave the order, and, glancing covertly at the faces of my other associates, it dawned upon me that I might yet become the leader of these men—the real Foreman of the Chain - Gang—and at the luncheon hour I received a small ovation.

## XXII

GILBERT evidently recognized that striking testimony from the record does not wipe it from the memory, for when the court reconvened, he allowed the question of forgery to remain where Dr. MacLean had left it, and made no immediate effort to re-enforce his case against the defendant on that point. But if he believed the testimony had made any very strong impression upon the audience I had reason to think he was mistaken as far as the jurors were concerned. The fact of murder had been established, and the defendant's opportunity to commit it stood demonstrated beyond all reasonable doubt. But the proof of her motive scarcely justified more than a strong suspicion, and I did not believe there was a man on the jury who would have decided against her as matters then stood. Indeed, I was convinced that Barstow could not only acquit the defendant, but expose the guilty party if he grasped his opportunities, and I resolved that the case should not remain a mystery if I could help it.

The prosecutor began the afternoon's proceedings by producing an affidavit made by Mr. Shaw in a real-estate transaction a few weeks prior to his death,

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in which he swore that he was an unmarried man, and I immediately saw we were entering upon a new phase of the case.

Barstow made no objection to the proof proposed. On the contrary, he offered to admit that Shaw was unmarried at the time of his death, if the prosecutor thought the fact essential, and when Gilbert declined to take advantage of the admission he protested against his opponent's waste of time. Indeed, from that moment Barstow began to hurry his adversary, and continued to press him at every possible opportunity. Gilbert no sooner placed a witness on the stand than Barstow was at his heels wanting to know what he expected to prove by the testimony, and offering to concede all an examination could possibly disclose. But though the prosecutor never availed himself of these repeated propositions to shorten the trial, Barstow invariably managed to anticipate the testimony in his arguments, and when the jury finally heard it from the witnesses it seemed stale and unimportant.

Did Gilbert desire to show how Mr. Shaw had disposed of all his property and turned it into cash, or its equivalent, and deposited it in a Venezuelan bank in Alice Emory's name? . . . The testimony would reveal what he wanted to prove? . . . Of course it would! But why waste time taking testimony to prove what was indisputably true? Hadn't he fairly stated all Gilbert could extract from any witness as to the deposit in the Venezuelan bank?



## THE ACCOMPLICE

Was there anything more to it than the prosecutor had outlined in his opening speech? . . . No? Very well, then! There was no use piling up proof to establish what the defence was willing to concede, and it would concede the foreign bank-deposit in Miss Emory's name, and any other little details which the prosecutor deemed essential. . . .

At last Gilbert turned upon his tormentor.

"If my learned opponent is so anxious to expedite this trial," he exclaimed, "let him admit that the defendant knew of the securities deposited in Venezuela in her name, and I will accommodate him."

Barstow regarded his adversary with an expression of scornful contempt.

"I offer to concede facts—not fancies," he retorted.

"My proposition has reference to a fact."

"It has reference to a breezy fancy born in the wind-swept cavern of your mind, sir!"

"The breeze is a cyclone which will blow you away, Barstow!"

"Now, gentlemen!"

The audience was rustling with excitement as the Judge's admonition parted the combatants, and it was some moments before quiet was restored.

Then Gilbert took up his interrupted examination and speedily succeeded in establishing the identity of the securities deposited in the Venezuelan bank in Miss Emory's name, but all his efforts to follow up this proof were frustrated. Again and again he returned to the attack, and I could appreciate the vital

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importance of the position he was attempting to carry. If he could prove the defendant knew of valuable property which had been intrusted to her keeping, the motive for the murder would be only too apparent. Barstow, however, was keenly alive to the peril of the situation, and met every onslaught with vigorous objections which hurled his adversary back to the conceded lines.

At last the prosecutor abandoned the task and began a new assault. In quick succession he offered a number of letters in evidence, but again Barstow opposed him tooth and nail, and one after another the proposed exhibits were ruled out by the Judge, and not one of them came under the observation of the jury. Indeed, so closely did Barstow mask the identity of this correspondence, that Gilbert was not even permitted to tell who wrote the letters or who received them, and for some time I had no idea of what he was attempting to prove. Finally, however, I remembered his claim that Miss Emory had desired to become Shaw's wife, and had threatened him with exposure when he had refused to comply with her wish, and I concluded that the prosecutor was unsuccessfully attempting to substantiate this part of his opening speech.

Although his moves were repeatedly checked and turned, Gilbert stuck doggedly to his task, displaying wonderful resourcefulness and ingenuity. Once or twice he seemed on the verge of success, but Barstow's stubborn resistance always prevailed in the

## THE ACCOMPLICE

end, and left him master of the situation. Indeed, the fight continued so long without advantage to the prosecutor that it grew monotonous, and at last some one in the audience laughed. Instantly the lawyer's face darkened with anger, and as he turned to the sound I saw his eyes rest for a moment on Barbara Frayne. Her expression was perfectly grave, but I could see the color mounting to her cheeks as Gilbert's glance passed her and swept along row after row of faces until he had inspected every person in the room. When he turned to the Bench again he appeared more severe and determined than I had imagined he could be.

"Your Honor," he began, "I have endeavored to conduct this trial up to the present time without formality, but at this point I must request the Court to exclude all witnesses from the room."

Barstow rose and stared at the speaker with astonishment.

"Isn't it rather late in the day for my friend to make this request?" he inquired of the Court. "Is he going to call any more witnesses? If not, I protest it is not courteous to exclude my witnesses when I did not exclude his."

"There is no use protesting, counsellor. The request is entirely proper, and I shall grant it. All persons under subpœna in the case of the People *against* Alice Emory will retire to my private room, and wait there in charge of an officer until they are called upon to testify."

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A general movement began from all parts of the room as the Judge ceased speaking, and then for the first time I noticed that Miss Mapes and Betty Field had been seated near Colonel Frayne and his daughter, and the three women exchanged a few whispered words before the housekeeper and her companion rose and walked towards the door through which twenty or more persons were being herded by the court-attendants.

When quiet had been restored, Gilbert again rose and addressed the Court.

"Your Honor, I now request that no person be allowed to enter or leave the court-room during the examination of the next witness."

Barstow looked up at his opponent with an angry sneer.

"Please, mister, may I breathe during this function?" he muttered.

The prosecutor swung on his heel, and, leaning forward, looked his opponent squarely in the eyes.

"I'll make you hold your breath!" he retorted, sternly.

Barstow tipped his chair back with an uneasy laugh, and the Judge rapped sharply for order.

"Any person desiring to retire from the court-room before the next witness leaves the stand must do so now," he directed.

No one in the audience stirred at the announcement, and an expectant hush followed.

"Officer, lock the doors.—Now, Mr. Gilbert."

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His Honor turned briskly to the prosecutor, who rose and glanced at the attendant standing before the door of the Judge's chamber.

"Call Madeleine Mapes," he commanded, sharply.

### XXIII

ALTHOUGH I had seen Mr. Shaw's housekeeper on three occasions before Gilbert summoned her to testify, I had never had a fair opportunity to study her until she faced me on the witness-stand. The woman's Christian name exactly described her, but, nevertheless, she impressed me as one of those persons for whom Christian names are superfluous. Mapes would have sufficed her for all the ordinary purposes of life, though the prefix "Miss" might have been conceded her for formal occasions. One could even fancy her being called "dear Miss Mapes," at very impulsive moments, but I could not imagine anybody addressing her as Madeleine under any circumstances whatever. She was a tall, slim, dignified person, approaching middle age. Her thin face, with its high cheek-bones, prominent lower jaw, and large, firm mouth, could not by any stretch of imagination have been called handsome, but it was decidedly interesting, and although it expressed determination, if not obstinacy, in almost every line, it was neither hard nor disagreeable. Indeed, her large brown eyes suggested possibilities of deep feeling, and her wavy gray hair, parted in the middle and looped over



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her temples, gave her an almost kindly expression. But as though she realized this softening effect, and despised it as a weakness, Miss Mapes had neutralized it as far as possible by a hideous black bonnet tied tightly under her chin with long black ribbons. The rest of her attire was likewise apparently designed to eliminate every vestige of personal charm, and so lugubrious was it that the long, gun-metal watch-chain suspended from her neck was a positive relief to the eye and inspired the hope that her black, lisle-thread gloves might contain something as cheerful as a mourning-ring. In fact, it seemed as though nature had intended the woman to be sympathetic and comely, but she had willed otherwise, and on the surface she was as callous and severe as manner and clothes could make her.

Gilbert studied his witness for some moments before addressing her, and I could hear the big clock behind the Judge's desk ticking the seconds away as the woman met his silent examination with a steady stare.

"Miss Mapes, you are an intimate friend of the defendant's, are you not?"

The housekeeper eyed her questioner suspiciously.

"Miss Emory and I are friends," she answered, cautiously.

"And you believe her guiltless of the charge against her, do you not?"

"I certainly do."

"Then the truth cannot injure her in any way, can it?"

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Miss Mapes shrugged her shoulders non-committally.

"It depends upon who is speaking," she snapped. "Some tongues are naturally formed for lying. They'd twist the best truth in the telling."

The audience chuckled delightedly, and some one started applause, which was instantly silenced by the Judge's gavel. Gilbert displayed no resentment at the witness's retort, but returned to the task of conciliating her with admirable tact and good-nature. Miss Mapes, however, was in no mood to be placated or reassured. She was disdainfully suspicious of the prosecutor's deference, and the more consideration he displayed the less he received. She deliberated over each question before answering it, and more than once I thought the examiner's endurance was at an end. His patience, however, was apparently inexhaustible, and the most aggravating answers left him perfectly unruffled. It was not until he touched upon the housekeeper's disappearance from Pollicet that his manner changed and his questions became more insistent.

The witness had been given the position of caretaker of Mr. Shaw's Pollicet farm after his death, had she not? . . . Why had she surrendered her duties to another person and departed from the State shortly after the inquest?—That was her private business? Why did she take the ex-housemaid, Betty Field, with her on that private business? Because she needed companionship? Then why . . .

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What was the prosecutor driving at? Did he mean to imply that the witness was trying to escape from testifying? Then why had she returned in time for the trial? She'd come back voluntarily, hadn't she? The prosecutor hadn't brought her back, had he? No one could have brought her back. Wasn't that so? Then what did he mean by his insinuations and insults and twistings and turnings and pretence of fair play?

Although I knew the woman was dodging, I could not but admire the courage with which she turned upon the prosecutor with her breathless burst of questions, but my admiration was tempered by the suspicion that she was fighting, not to help her friend, but to save herself.

Gilbert made no further attempt to soothe the witness after her hostile outburst, but, accepting the gage of battle, settled down to fight it out.

"Miss Mapes, did you ever see the defendant wearing a blue skirt of this shade and texture?"

I started at the question, and instantly Gilbert's opening words recurred to my mind. When we found the wearer of the skirt from which the tell-tale threads were torn, he had told us, we would know the murderer of Mr. Gregory Shaw. This, then, was the crucial moment of the trial.

Miss Mapes carefully examined the exhibit which had been handed her, and to my intense surprise nodded as she returned it.

"I have seen Miss Emory wear a dark-blue skirt,"

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she responded, calmly, "but I couldn't say it was exactly like this sample."

"But substantially the same?"

"I could not say."

The examiner paused, and, unable to bear the nervous strain of the suspense, I glanced from the witness to the excited faces in the audience. Barbara Frayne was leaning forward, her hands resting on the bench in front of her, her gaze fixed on the housekeeper's face, and, noting her anxious expression, I turned away, fearing to meet her eyes.

"When did you last see the defendant wearing such a skirt?"

Miss Mapes carefully considered the question, but her eyes never left the prosecutor, and as she weighed the answer she appeared the calmest person in the room.

"More than two years ago."

"You saw it after she ceased to wear it?"

"Yes."

"When did you last see it?"

"I don't remember."

"*Where* did you last see it?"

"In the closet of my room."

"Of *your* room? How did it happen to be there?"

"Miss Emory gave it to me."

"When did she give it to you?"

"Nearly two years ago."

"What did you do with it?"

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"I ripped the silk lining out of it and threw the rest away."

"Where did you throw it?"

"I don't remember."

"Why don't you remember?"

"Because I haven't charged my mind with the whereabouts of every bit of rubbish I've thrown away in the last two years."

"How long ago did you throw away this particular bit of rubbish?"

"I don't remember."

"Was it since Mr. Shaw's death?"

The witness hesitated a moment, and, though her glance never wavered, I felt my hand trembling on the arm of my chair as the prosecutor again put his ominous question.

"Was it since Mr. Shaw's death, Miss Mapes?"

"You know it wasn't!" she burst out, snappishly. "It was almost, if not quite, two years ago. I don't remember which."

I could hear the audience giving vent to its relief, but I took no satisfaction in the sounds. In my opinion the testimony entitled the defendant to something more than sympathy. It demanded her complete vindication, and for this the detection of the guilty party was essential. Unless the real criminal were exposed, her acquittal would be at best but negative justice, and my mind was already intent upon the track of the witness.

I knew that the housekeeper had been detected in

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the act of destroying something in the furnace after the discovery of the crime; she had occupied Miss Emory's room on the night of the murder, and now it appeared that she was the last owner of the blue skirt.

This last fact intensified my early suspicions against the woman, and I thrilled with excitement as the prosecutor paused and whispered to one of his assistants. Surely he would now bring out the rest of the story as I knew it, and see where the proofs were pointing. He had the necessary clew in his possession. Would he have the moral courage to abandon his pursuit of the defendant and camp on the housekeeper's trail?

"What was the condition of the skirt when you threw it away, Miss Mapes? Could it have been worn?"

I recognized the vital significance of the prosecutor's question, and listened eagerly for the answer.

"I don't think so."

"Why don't you think so?"

I almost smiled as I heard the question. Gilbert was clearly on the trail now, and I hung breathlessly on his every word.

"Because I remember ripping the lining out, and if the rest had been wearable I'd have given it to some poor person. I don't believe in waste."

"Did you recall any person other than Miss Emory wearing a blue skirt in your household?"

"No; but there might have been others. The



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material is in common use for men's clothes as well as women's."

"Miss Mapes, when did you first hear of Mr. Shaw's death?"

The housekeeper answered this question, and then to my intense chagrin the prosecutor started upon a line of inquiry which speedily carried him far afield, and left me to follow him as best I could in my amazement and dismay. Again and again he struck the housekeeper's track, but no sooner was he headed in her direction than some chance word would divert him, and he would swerve from the path and plunge in a blind thicket of details. At times it seemed as though he were intentionally avoiding the subject of Miss Mapes's whereabouts on the night of November 2d, so perilously close did he come to the question which would have focussed attention upon her and changed the whole course of the trial. But as the examination continued I realized that accident and not design was responsible for the omission, and the minuteness of his inquiries encouraged me to believe that sooner or later he must light upon the necessary query.

The witness's tactics, however, were even more difficult to understand than Gilbert's. She had gone out of the way to advise me of her occupancy of Miss Emory's room, but she took no pains to supply the prosecutor with this information. She did not actually mislead him, as far as I could see, but she gave him no assistance. Her answers were grudgingly

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short and unsuggestive, but they indicated no active opposition to the examiner. If he bent all his energy upon some unimportant subject which might have been disposed of with a word, she allowed him to uncover it detail by detail, until the futility of further search was demonstrated to every eye. When he stood on the verge of a discovery, she gave him no sign of encouragement or warning, merely drifting on before him like a will-o'-the-wisp, elusive, intangible, mocking pursuit.

Thus the exhaustive and exhausting inquisition continued like the game of "Twenty Questions," amplified and extended almost beyond the limits of endurance. More than once I was upon the point of interrupting, but restrained myself, fearing to spoil some plan I did not understand and defeat the end in view. I had a hard struggle, however, to control myself at crucial moments when a single word or even a look might have given the necessary cue. "Now it is coming!" I whispered to myself over and over again; but as one opportunity after another slipped by, I lost hope, and grew more restless, irritated, and nervous with each succeeding question.

"Miss Mapes, how far was your room from Mr. Shaw's study?"

I leaned forward eagerly as the prosecutor put the question, every nerve in my body tingling with excitement. Gilbert was squarely on the trail again! Would he keep it? In the intensity of the moment

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I lost all sense of my surroundings, and crouched in my seat like a hunter stalking long-sought game.

"My room was in what was called the west extension."

"And that is quite a long distance from Mr. Shaw's rooms?"

"Yes."

"Too far for you to have heard the noise of a struggle, if there was a struggle in his rooms?"

"Much too far."

"And the servants? Could they have heard any such noise from their sleeping-rooms?"

"I do not think they could."

"So Miss Emory was the only person whose room was so situated that she could easily hear any unusual noise in Mr. Shaw's study?"

"Yes."

"That is all. Your witness, Mr. Barstow!"

I fairly gasped as Gilbert turned to his opponent. Was it possible that he was abandoning the pursuit at the very moment of success? Did he suspect nothing? Was he blind?

"No questions."

I heard Barstow's words, but I could not credit my ears. He could not be allowing the witness to escape in this fashion! It was too preposterous for belief.

"You are excused, madam, but do not leave the building without the direction of the Court."

Miss Mapes had risen and was actually moving towards the Judge's chambers before I awoke to the

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reality of what was happening, and in the excitement of the moment I forgot the deference due the Court.

"Wait!" I almost shouted.

The woman visibly started as I spoke, but turned to me with a not unfriendly nod.

"Did you occupy your own room on the night of the murder?" I demanded, breathlessly.

"I did not. I occupied Miss Emory's."

I saw Judge Dudley's finger menacing me as I put the question, and at the same moment Barstow and Gilbert sprang to their feet, but the housekeeper answered before any one could interfere, and a deep hush followed. Then his Honor broke the silence.

"Return to the witness-chair, if you please, madam," he requested, sternly. "Take your seats, gentlemen! Everybody in the room sit down!" he added, in a voice of thunder.

The crash of his heavy gavel startled me, and glancing over the room I saw that more than half the spectators had risen to their feet.

## XXIV

THE moment the room settled down again both Gilbert and Barstow claimed the right to examine, and a hot skirmish followed, the combatants fighting at close range with words which had all the force and sting of blows. Finally the Judge interfered with a decision in Gilbert's favor, and the defendant's counsel sullenly yielded, but without retreating from the rail against which he stood glaring at the witness as she faced her inquisitor.

"You say you occupied Miss Emory's room on the night of November 2d?" began the prosecutor, sharply.

"That is what I said."

Every syllable of the answer was defiant, challenging.

"Why didn't you say it sooner?"

"Because I wasn't asked."

"Then why didn't you volunteer the information?"

"Because I was advised that lawyers were smart enough to learn what they wanted without any help from womenfolk."

"Who gave you such advice?"

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"Mr. Barstow."

"Mr. Barstow? Are you acting under his advice?"

"For want of better."

"Let me supply your want by recommending you to disclose at once any other facts which you have concealed up to date touching the death of Mr. Gregory Shaw."

"I'm not concealing anything."

The examiner paused and the witness's eyes rested for a moment on Barstow's face, but she answered its threat with a defiant stare and turned again to Gilbert.

"How did you come to occupy Miss Emory's room, as you have stated?"

"She requested me to do so."

"When?"

"On the afternoon of November 2d."

"What did she say?"

"She came to my room and told me that Mr. Shaw had asked her to become his wife, and that she had refused him, as usual—"

"As usual? Was it such a common occurrence?"

"Common enough. He'd proposed to her about eight times, I think."

The audience tittered in a nervous manner, and the sound grated upon me and roused my indignation. Gilbert seemed equally annoyed, for he shot an angry glance at the crowded benches before he continued.



## THE ACCOMPLICE

"Tell us what else Miss Emory said," he directed, at last.

"She told me Mr. Shaw had urged his suit with greater persistence than ever before, and would not take no for an answer," the witness responded, "and when she would not listen to him any longer he had become very excited and threatened to shoot himself and her."

"What did she reply to those threats?"

"She resigned her position, and told him she would leave his house the following morning."

"What else did she tell you?"

"She said he grew terribly angry when she announced her resignation, and became so abusive that high words passed between them before she managed to escape from the study, and she was afraid to remain alone in her room. That's why she came to me."

"So you spent the night with her?"

"No. She stayed in my room and I occupied hers."

"I see. And what time did you part?"

"A little before eight o'clock."

"And when did you see her again?"

"About seven the next morning."

"Then, between eight o'clock in the evening and seven the next morning you don't know what she did, do you?"

"Of course not, but—"

*"When did this quarrel between Miss Emory and Shaw take place?"*

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I started as Gilbert put the question. He had not been following up the witness in the way I had expected. His questions were apparently framed not to implicate her, but to strengthen his case against the defendant. Was he seizing upon the fact of a quarrel between Shaw and Miss Emory to supply a motive for the murder? My heart sank at the question and my brain began to whirl. *Had Barstow feared this?* Was his knowledge of this quarrel the secret of his attempt to get the housekeeper out of the way? Was my interference to supply the prosecutor with just the proof he needed? I could not, would not, believe it!

"Didn't you hear my question, Miss Mapes? When did this quarrel between Miss Emory and Shaw take place?"

The housekeeper stared at the examiner with an expression of dismay, and I knew that she, too, had scented the danger and was wildly seeking an escape.

"I didn't say they quarrelled," she answered.

"Quite true—you didn't. You said high words passed between them."

"Yes, but—"

"Never mind the 'but.' When did those high words pass?"

"I—I didn't mean high words exactly. I meant to say—I should have said—"

Miss Mapes glanced helplessly at Barstow, but meeting his stony glare turned again to her questioner with the look of a hunted animal in her eyes,

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"Well?"

"I—I don't remember exactly what she said," she gasped.

"But you received the impression that they had not parted on good terms?"

"Yes—no. I—I don't know."

"Did she express any resentment at Mr. Shaw's conduct?"

"Well, he had insulted her, and— No, she didn't."

"I see. He had insulted her, but she forgave him?"

"No, she didn't. She—he—I don't know what she said!"

The witness was visibly weakening under the lawyer's rapid questioning, and she sat back in her chair gazing at him in a dazed and hopeless fashion.

Gilbert gave her no respite, however, but rapidly shifted his attack.

"Miss Mapes, did you lock the door of Miss Emory's room when you retired?"

"Yes, sir."

"And the window?"

"Yes."

"Are you sure?"

"Sure."

"When you woke in the morning did you detect any odor of gas in your room?"

"No."

"Not at all?"

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"No."

"But in the hall it was very noticeable, wasn't it?"

"Yes."

"Did you hear any noise or disturbance during the night?"

"No."

"You slept soundly?"

"Yes, until about five o'clock."

"What woke you then?"

"I—I don't know. I was cold, I think."

"*Why didn't you get up and close the window?*"

"I did."

The lawyer glanced covertly at the jury-box, but the witness seemed wholly unconscious of her terrible slip, and I sat aghast at the result of my meddling—my face flushing and paling with every question. The prosecutor was proving his case, and I was enabling him to do it! I, whom Barbara Frayne had relied upon—on whose intelligence she counted!

"When you saw Miss Emory in your room, in the morning, was she dressed?"

"Yes."

"Did you know of Mr. Shaw's death then?"

"Yes."

"Where was she when the body was discovered?"

"I don't know."

"Who told her of the occurrence?"

"I don't know."

"When did you first talk with her concerning it?"

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"I don't remember."

The housekeeper glanced despairingly about her, but there was no sympathy in the hundreds of eyes which met her appeal, and the prosecutor sternly demanded her attention with a pitiless hail of questions.

She no longer deliberated over her answers, but stammered out breathless evasions and denials, regardless of the contradictions they involved. A denial was no sooner uttered than it required another and another until the witness fairly staggered in her pitiable flight. Apparently the uppermost thought in her mind was to protect the defendant, and her reckless efforts to accomplish this doubled the mischief already done. At last the prosecutor gave her a breathing space with a question which roused her indignation.

"You suggested sending for Mr. Barstow—didn't you, Miss Mapes?" he inquired.

"I did not."

"Then it was Miss Emory who sent for him?"

"She did not."

"Then who did send for him?"

"Nobody."

"Nobody? He just happened to call?"

"He was a friend of Miss Emory's, and he heard of Mr. Shaw's death, and came to tell us not to talk to the newspaper people or the officials any more than was necessary."

"And you didn't tell these things because of his advice?"

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"I wasn't asked about them."

"I see. That is all, madam. No, pardon me. One question more. Have you always occupied the same room in Mr. Shaw's house?"

"Yes."

*"Did you look in the closet of your room after Miss Emory had occupied it to see if the blue skirt was still there?"*

The question fairly overwhelmed me, and I experienced a feeling of deep pity for the witness as I heard it. I no longer harbored the slightest suspicion of her guilt. She had doubtless thought to help her friend by giving me the information which had been so disastrously turned against her, and had honestly, though obstinately fought to have it brought out despite the lawyer's advice. And I, who had thought myself cleverer than Gilbert, Barstow, and the house-keeper combined, had given her the necessary opening. What would Barbara Frayne think of me now?

I looked across the court-room, and, as my eyes rested on her flushed and anxious face she suddenly turned to me with a glance of unmistakable confidence. Then, and not until then, did I realize the mental struggle which lay before me. Could I disregard the testimony? Dared I still save the defendant by my vote?

"Didn't you look in your closet the morning after Miss Emory had occupied your room to see if the blue skirt was still there, Miss Mapes?"



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I turned as the prosecutor rephrased his significant question.

"No, I didn't," Miss Mapes retorted, feebly. "I told you I'd thrown it away."

"But you said you'd last seen it in the closet of your room, didn't you?"

"I did not. I said—"

"Mr. Stenographer, read the witness's answer to my question on that point."

The stenographer turned back the leaves of his note-book, and the room was hushed in deathlike silence as he examined them. At last he placed his pen on one of the pages, and, glancing up, nodded at Gilbert.

"*Question*" (he read). "*Where did you last see it?*" (the blue cloth skirt). "*Answer. In the closet of my room.*"

A solemn pause followed, and the prosecutor eyed the witness narrowly as she sat trembling in the chair.

"Well?" he queried, at last.

"I didn't mean that!" Miss Mapes burst out, excitedly. "I don't know where I last saw it. I threw it away. I swear to God I—"

The woman gasped and paused, her eyes again seeking Barstow's with an imploring expression, but the lawyer responded with as cruel a glance as I ever saw in a human face, and the housekeeper cowered under it as she sank back in her chair. Gilbert watched her for a moment in silence, and then quietly resumed his seat.

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"That is all, Miss Mapes," he murmured.

Barstow had uttered no word of objection during his adversary's long examination of the witness nor had he assisted her in any way, and I thought he might not attempt a cross-examination. He waited only an instant, however, before he sprang at her with a question, his voice shaking with fury.

"Have you now told everything you know about this case?" he demanded, savagely.

"I have."

The housekeeper's voice trembled as she answered, but her eyes flashed defiantly.

"Don't you know you haven't?" he snarled.

"No."

"We'll see about that. Was there any love lost between you and the late Mr. Gregory Shaw?"

The woman visibly flinched at the question, but recovered herself immediately.

"There was no question of love between us," she answered, bravely.

"Didn't you hate each other?"

"I don't know what his feelings were."

"But yours!—yours! Tell us about yours! Didn't you hate him?"

Barstow leaned towards the witness, his finger shaking in her face.

"I didn't like him."

"Like him! Didn't you dislike him?"

"Yes."

"Did you hate him?"

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"I don't think so."

"Think again, then."

"I have thought."

"Didn't you loathe him?"

"No."

"Didn't you fear him?"

"No!"

"Didn't you despise him?"

"Yes."

"Did you never love him?"

"Yes, I did once."

"Oh! A woman scorned—eh?"

The questions had been pelting her with stinging force as fast as the words could fly, and the witness was visibly weakening under them.

"Didn't you advise Miss Emory—your so-called friend—not to marry him?" continued Barstow.

"I did."

"Didn't you warn her that he'd once made love to you?"

"I did."

"Didn't you express your contempt and loathing for him in as strong terms as your vocabulary would permit?"

"I expressed my contempt for him—yes."

"You did? He made love to you, and you warned the defendant against him and expressed your contempt of him, eh? I thought you'd told us everything you knew about this case?"

"Those matters have nothing to do with this case."

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"Haven't they? Wait and see, madam—wait and see! When did you learn that Mr. Shaw was to marry Miss Emory?"

"Never."

"Didn't Miss Emory tell you so the very night he died?"

"She did not. She told me she had refused him. She said—"

Barstow's arms flew out at the witness furiously.

"We heard you say all that!" he shouted. "But I want the facts and I'm going to have them!"

Gilbert leaped to his feet, his hand raised in protest.

"Your Honor," he interposed, "I object to these brutal and uncalled-for comments which are not only insulting to the witness, but unseemly in a court."

Barstow turned fiercely upon the prosecutor, his eyes flashing dangerously.

"When murder and manners are more closely allied, I'll take lessons of you, Gilbert," he snapped. "Until then, sit down!"

The prosecutor flushed angrily, but, ignoring his opponent, again addressed the Court.

"I move to strike the comments of counsel from the record," he demanded, "and I object to their repetition."

"Strike them out, stenographer," Judge Dudley ordered. "Now, Mr. Barstow."

The defendant's counsel waited scowlingly until the

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prosecutor had resumed his seat, and then sprang at the witness with unabated fury.

"Is there a living being anywhere on this earth who ever heard of your exchanging rooms with this defendant on the night of Shaw's death?"

"Yes, Miss Emory."

"Oh, Miss Emory? I thought you were going to give us the name of some dead person—like Shaw, for instance."

Gilbert again sprang to his feet protesting.

"Now, your Honor, I move to strike that out," he thundered.

Barstow swung savagely upon his adversary.

"If you interrupt me again, sir," he shouted, "I'll make it a personal matter."

"Pray don't wait for that, Mr. Barstow!"

"Gentlemen, this wrangling must cease," interposed the Judge. "Mr. Barstow, confine yourself to questions, and remember this is cross-examination, Mr. Gilbert."

Again Barstow faced the witness and reopened his furious attack.

"So you and Miss Emory were the only living persons who knew of your alleged exchange of rooms?" he inquired, menacingly.

"Yes."

"Did none of the servants in the house discover it?"

"No."

"And you have concealed it until now?"

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"You knew of it."

"*I* knew of it! You mean you told me?"

"Yes."

"Then say what you mean! Now tell us about Mr. Shaw's making love to you—give us the dates, the words, the actions, everything—a regular heart-to-heart talk."

Miss Mapes turned scarlet, stammered out a few inarticulate sentences, and paused. Instantly Barstow was at her with a furious burst of questions, heartless, cruel, brutal inquiries which tore her like murderous fangs and drove her to cover. One could almost hear the howl of savage satisfaction in the lawyer's pursuing questions as he leaped after her and drove her in frantic flight. Again and again she turned and met his onslaught bravely, only to be overpowered and hounded once more with relentless fury.

Shaw had made love to her, and she had at one time thought him honorable and sincere. She had not hated him until he had proved himself a liar and a coward. That was long ago. She had remained in his employ because he had begged her to do so, and because she had neither money nor friends, and hoped to get another position, and because—

Once more Barstow was at her throat tearing answers from her with hideous ferocity.

. . . She had remained his housekeeper because she hoped to better herself, hadn't she? She wanted to housekeep for keeps, didn't she? Wasn't she plot-



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ting and planning to become Shaw's wife? *No—no—and no again! She had come to hate him less of late years because she had neither forgotten nor forgiven. She had known of his making love to Miss Emory for more than a year. She and the secretary were intimate friends.*—Did Shaw know she was warning the girl against him? *No.* Had she ever protested to Shaw, and demanded that he cease his attentions to her confidential friend? *No.* Not on the night of the murder? *No, nor on any other night.* Would she swear she had not heard that Miss Emory had consented to become Shaw's wife? *She had already so sworn.* Would she swear it again? *Yes, as many times as the questioner chose. . . .*

Again the witness turned upon her assailant and fought him off, but her strength was ebbing fast, and Barstow noting this, brought tooth and claw to bear, hurling merciless questions at her with whirlwind force and speed, until the victim fairly reeled and staggered, and the savage spectacle became unendurably revolting.

“Mr. Barstow!”

The lawyer swung on his heel as he heard his name, and found himself confronting the defendant who stood gazing anxiously at the housekeeper's ashen face.

Instantly he motioned her to her seat, but she paid no attention to his gesture, and when he turned away again she once more uttered his name. Then he stepped back, and without taking his eyes from the

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witness, stooped and whispered a few words in his client's ear, to which she responded rapidly and earnestly, and I could see the man's face twitching with annoyance as he listened. Suddenly he turned and looked the defendant squarely in the eyes, at the same time speaking a few emphatic words, and I expected the episode to end there, but Miss Emory instantly responded in an equally emphatic manner, and continued speaking, until the lawyer interrupted her by moving forward to the rail again, roughly shaking off the detaining hand which she had laid upon his arm.

The room had watched the whispered conference in awed astonishment, and as Barstow's harsh voice broke the silence many eyes were still turned upon the defendant standing resolutely beside her chair.

"Now this skirt Miss Emory gave you—was that another secret between you?"

"No."

The answer was low and feeble. Barstow put his hand mockingly behind his ear.

"No—do you say?" he thundered. "Give me the name of any living person who knew of her gift!"

The witness gazed dumbly at her questioner.

"You can't give me any such name, eh?"

The housekeeper shook her head at the tigerish eyes glaring hungrily at her.

"Did you ever wear the skirt?"

"No."

"Then why did you accept it?"

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"I used the lining."

"Wanted to rip the inside of it out, eh? Well, now, I'm going to rip the inside out of something else." Barstow stepped forward and shot his finger straight at the woman's eyes. "Didn't you destroy that skirt on the morning of November 3d?" he thundered. "Deny it if you dare!"

Miss Mapes leaned forward in her chair, her lips moving silently and her hands clutching the air. Then she suddenly swayed and fell upon her face. Before an attendant could reach the prostrate woman, Miss Emory darted towards her, but met Barstow's restraining arm. Instantly she freed herself and sprang forward again with such impetuosity that the lawyer had to hold her for a moment in his arms. There was a short struggle, and then she turned upon him with a look which I shall never forget.

"Let me go—you—you *coward!*" she whispered, fiercely.

## XXV

THE whispered outburst had no sooner passed his client's lips than Barstow wheeled about and hastened to assist the attendants, and in the confusion of the moment it is doubtful if many of the spectators were aware of the defendant's angry clash with her adviser. But those who noticed the incident had no opportunity to consider its meaning. The moment the unconscious witness had been carried from the room the lawyers were again in collision, battling over the question of postponement — the prosecutor insisting that it was too late in the day to continue the trial, under the existing circumstances, and Barstow vigorously protesting against any adjournment. Finally Judge Dudley compromised the matter by ordering a recess until eight o'clock in the evening, and his decision was no sooner announced than we were on our way from the court-room.

Newsboys met us at the door, calling the afternoon editions of the city papers containing accounts of the trial, and to my astonishment they did a thriving business with the outpouring throng. Why people who had passed an entire day listening to the Emory trial should want to spend the evening reading re-

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ports of it was more than I could imagine, and I said as much to Bayne as we made our way towards the Melton House.

"They want to know what they've seen and heard," he answered. "Most people mistrust their own ears and eyes nowadays, and rely on the newspapers to set 'em right. By-the-way, did you notice the head-lines of the sheet one of those boys shoved under my nose?"

I shook my head.

"Well, I couldn't help seeing it," he continued; "and if it wasn't against the rules for us to read about the trial, I'd like to know what else they had to say about you."

I glanced out of the corner of my eye at my companion, and caught him looking slyly at me.

"I'll admit I'm human, and you've roused my curiosity, if that's what you mean," I answered, laughingly, "but I think I can wait."

I did not have long to wait, however, for we had no sooner reached the Melton House than somebody pushed a paper at me, asking if I recognized myself, and before I could avoid it, I had seen a blurred photograph labelled with my name and had read the flaring head-lines, which proclaimed that the foreman of the Emory jury had delivered a staggering blow to the defendant and enabled the prosecution to complete its case.

Although I instantly thrust the sheet aside, and disposed of its officious owner with some remarks

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more pointed than polite, I could not rid my mind of the unpleasant impression it had received, and I retired to my room with increased anxiety and mis-giving. The head-lines confirmed my worst fears, and made me realize the full effect of my irresponsible meddling.

Gilbert had taken advantage of my opening to score his heaviest blow. He had shown a motive for the murder, and I was at a loss to see how the defendant could meet or explain away the facts which the testimony had unexpectedly developed.

Certainly Barstow's furious attack upon Miss Mapes—which was exactly what I had hoped for and expected earlier in the day—had not counteracted the effect of her involuntary admissions against the accused. In fact, it had done more harm than good. No one who had watched the woman during her fearful ordeal could believe that she was treacherously endeavoring to shield herself at Alice Emory's expense. She was obviously the defendant's friend—ill-advised, meddlesome, and blundering, but unquestionably well-intentioned. Up to the moment of recalling her to the witness-stand I was confident that she was the guilty party, but as I listened to her damaging testimony all my suspicions faded.

If she had been intriguing to implicate Miss Emory and cover her own tracks she would have welcomed the prosecutor's inquiries and subtly assisted him. Instead of this she had begun by opposing him, and ended by completely losing her head as she



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realized the serious injury she was inflicting upon the defendant's cause. It was evident that she had not anticipated the questions which had been put to her, and in her efforts to undo the mischief she had completed the disaster. Had she risen to the occasion and met the prosecutor with complete frankness, she might have retrieved the situation, but her lame shifts and evasions, and obvious mental reservations, emphasized every damaging word she had uttered.

It was then too late for Barstow to convince the jury that she was capable not only of killing an enemy, but also of sacrificing a friend. The character did not fit her in the least. Her appearance on the stand, every tone and gesture she employed, denied it. His brutal onslaught had elicited testimony which might serve as the basis of an argument, but I could not believe that any one who had seen and heard the woman would credit the denunciation which the lawyer was evidently preparing. The attack was too virulent and rancorous to divert attention from the defendant. It smacked of desperate spite and malice, and in my opinion it had originated in revenge. The witness had not only flouted Barstow's advice—she had forced his hand with disastrous results, and he had turned upon her in a frenzy of exasperation. She might be Miss Emory's accomplice—and there was much to support such a possibility—but that she was attempting to convict the defendant to save herself seemed to me nothing less than preposterous.

I found several of the jurors only too anxious to

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discuss the case when we assembled at the supper-table, but they received no encouragement, and after some vain inquiries as to the probable duration of the night session they subsided. Indeed, it was the quietest repast I had yet experienced in the company of the Chain-Gang. Even Bayne was subdued and thoughtful, and it was evident that my associates were beginning to realize the solemnity of the duty which lay before them. Was this the direct result of my interference? Had Miss Mapes's testimony forced them to consider a verdict of guilty?

If I had held my tongue would the exchange of rooms have remained undiscovered? It was more than probable. Barstow, Miss Mapes, and the defendant were the only persons who knew of it, and some miraculous chance had diverted Gilbert from the subject. Why had I not had sense enough to let him conduct his own case? I might have suspected that Barstow had good grounds for excluding the housekeeper's testimony, and it would not have required much foresight to beware of the special fact which she had obtruded upon me.

I confess I had bitterly repented of my intervention, and roundly cursed myself for a meddling fool before we rose from the supper-table, and the thought that I was in duty bound to interfere, and could not honorably have suppressed my information, did not comfort or reassure me in the least. Indeed, I was so nervous and irritable that I could not sit still, and instead of accompanying my associates to the

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office, I remained outside pacing up and down the public hall. I must have covered half a mile in this way when the front door opened, and I found myself face to face with Barbara Frayne and the Colonel. She was certainly an attractive picture as she stood in the doorway, her dark olive-green corduroy skirt and jacket and black furs slightly sprinkled with snow, and her cheeks glowing with color—but I drew back as though a ghost confronted me.

“So it’s you who are tramping up and down this hall like a caged animal!” she exclaimed, before I recovered from my surprise. “I caught glimpses of you through the piazza window, but didn’t think you were the sort to take exercise in the house such a lovely night as this.”

“We’ve been having a constitutional on the piazza,” explained the Colonel. “It’s like being on an ocean-liner in a snow-storm out there—the wind’s blowing twenty miles an hour, and the air is a positive tonic.”

“Hurry up and get your cigar,” Miss Barbara directed. “It’s stifling in here,” she added, throwing open her jacket.

“Do you think I’m going to smoke in the wind?” laughed her father. “Not much, mademoiselle! My tobacco’s too good to waste. You wait for me in the ladies’ room, and I’ll come for you in fifteen minutes. Have a cigar, Lambert?”

“No, thank you,” I answered. “I don’t feel like smoking to-night.”

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The Colonel laid his hand upon my shoulder, and confidentially tapped my chest.

"Whenever I feel that way I go and see a doctor, my boy," he laughed. "I'll find you here in fifteen minutes, Bab?" he added, as he turned towards the office.

"I wouldn't be too sure of it," she answered, warningly. "I might elope with Mr. Lambert. Now don't be shocked," she continued, as the Colonel disappeared. "And don't look disapproving, or I shall say something really worth while."

"Remember you are not infallible in interpreting my expression," I responded, lightly.

"Well, I know a tired face when I see it," she responded. "You need a tonic, and I prescribe some fresh air. Get your hat and coat on, and we'll walk off some of the effects of that stuffy court-room."

"I'll be with you in a moment," I answered, running quickly up the stairs.

When I returned she was standing in front of the glass endeavoring to fasten the collar of her jacket, and as I approached she abandoned the effort with an impatient stamp of her foot.

"Please see if you can hook this!" she exclaimed, turning to me, her chin raised and her head thrown back.

"What woman cannot join together let no man try to bungle," I answered, warningly, as I laid aside my hat and took the ends of the rebellious collar in my fingers.

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"Practice makes perfect," she quoted, smilingly.

"But experiments are hard on the victims," I responded, fumbling the hook and eye. "I'm afraid this is too much for me," I added, as I again missed connections.

"I have every confidence in you," she answered, slowly.

I thought I detected a double meaning in the words, but instantly condemned myself for a fool of one idea.

"I'm afraid your confidence is misplaced," I answered. "I am a desperate bungler."

"You are too easily discouraged. I have not lost faith in you for one moment. You are doing better than you think."

The words were lightly, almost jestingly, spoken, but this time there was no mistaking their underlying meaning. Had she told me in the plainest language that she understood and appreciated what I had tried to do in the Emory case, the message could not have been clearer. I had expected her to hold me responsible for the disastrous developments of the last hours, and to shun me accordingly, and I had prepared myself to play the part of a martyr to duty as sternly and conscientiously as the circumstances demanded. Her words, however, indicated not only sympathy but encouragement, unshaken confidence and a reliance, which had in it a note of personal appeal. In the joy of the discovery, I could scarcely refrain from clasping her in my arms as she stood smiling up at me.

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"I never understood before what justification by faith meant," I admitted, in a low tone.

"Do you now?"

"I think so. I will tell you what your faith means to me. It means—"

"Have you justified it? Is the hook caught?"

The hurried interruption carried a warning which I could not disregard.

"Almost," I answered, smilingly. "It is easier for a camel to go through the eye of a needle than it is for a man to thread one; and this hook— There! It's caught at last."

"Thank goodness!" she gasped. "I would have had to breathe in another minute."

I laughed responsively at her comical expression of relief, and, drawing on my overcoat, threw open the door.

"There! Isn't this refreshing?" she continued. "Where are my gloves, I wonder?" she added, glancing about her. "Oh, I remember. Here they are. Now we're ready. Keep this for me, will you, please?"

She took something from her muff and thrust it in my overcoat-pocket as she spoke, and as I followed her through the door I discovered that it was a copy of the evening paper with the screaming head-lines. Without a word of comment, I slipped it into the side pocket of my house-coat, and before I had time to consider the incident my companion urged me into a brisk walk, and in a few minutes I had forgotten it completely.



## XXVI

ALTHOUGH I returned to the court-house greatly refreshed in mind and body, I had no sooner resumed my seat in the jury-box than I became conscious of an unconquerable feeling of dread, which speedily unnerved and depressed me. Perhaps it was because I had never before seen it by night, but the court-room looked unfamiliar to my eyes—its bare walls draped with heavy shadows cast by the green-shaded lamps, its crude, dingy furniture looming up monstrosly from a black background, and the rows of faces staring from the public benches showing ghastly white in the sombre light. Apparently I was not the only one who felt the chilling influence of the place, for there was no buzzing and chattering such as had prefaced the day sessions, and the silence was broken only by an occasional whisper or cough. Indeed, the spectators might have been assembled for worship, so solemnly and silently did they sit in their places waiting for the entrance of the Judge.

Gilbert was already in his place, engaged in close consultation with his assistants when I arrived, and shortly afterwards Miss Emory entered with the

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sheriff and seated herself quietly at the counsels' table. This was the first time she had appeared unaccompanied by her counsel, and her stormy clash with Barstow instantly recurred to my mind. Was her quiet entrance a sequel of that episode, and, if so, what did it portend?

As I asked myself these questions, Colonel Frayne and his daughter entered, but instead of seating themselves, as usual, among the other spectators, they moved to the front of the room and began conversing with Miss Emory in low tones. The moment Barstow appeared, however, they rose, and, hastily clasping the defendant's hands, made their way back to the public benches.

Barstow greeted his client courteously, but without the least suggestion of the solicitude he had displayed in the morning, and when she addressed him I saw him frown impatiently and turn abruptly to his books and papers over which he busied himself for some minutes. Then he suddenly swung around, and, leaning forward, looked straight into his client's eyes, whispering rapidly and earnestly, and emphasizing his remarks with blows of his fist upon his open palm. Miss Emory lowered her gaze as she listened, but I saw her shake her head again and again, as though she were not persuaded by his arguments, whatever they were, and evidently there was some irreconcilable difference between her and her adviser. Finally Barstow became aware that the jurors were watching the conference, and he in-

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stantly brought it to a close, and almost at the same moment the attendant pounded his warning on the side door, and the Judge entered, bowing as usual to the audience as he took his seat.

His Honor gave immediate attention to some papers which had been laid before him, and the room watched him in silence as he read them, his white face looking sterner and older in the light of the green-shaded lamps on the tall standards at either side of his desk. At last he looked up and cast a quick glance over the room.

"All witnesses in the case on trial will retire to my room and wait there until called," he ordered. "Make haste, if you please," he added, sharply, as the exodus began. "Mr. Barstow," he continued, "I am advised that the witness Mapes will be here within an hour, if you wish to continue your cross-examination."

"Very well, your Honor. May I be advised of her arrival?"

"Certainly. Now, Mr. Gilbert, call your next witness."

"Bettina Field," announced the prosecutor.

The door opened, but some moments elapsed before the timid, shrinking housemaid appeared on the threshold, and I felt a thrill of pity for her as she wandered blindly towards the counsels' table and halted there irresolutely. A court-attendant hurried forward, and taking her arm led her to the witness-chair, but even when she had mounted the one-

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step platform she stood there dumbly staring at the audience. Finally the official gently forced her to sit down, and she yielded like a somnambulist, apparently unconscious of her surroundings.

Her answers to Gilbert's opening questions were scarcely more than whispers, and as the prosecutor repeated them to the jury he moved back until he addressed her from the far end of the jury-box—little by little coaxing her to raise her voice.

But although he continued to handle her with consummate tact and gentleness, the girl grew more and more frightened as the examination proceeded, and before the preliminary questions ended her responses had become mere incoherent murmurs, and the prosecutor, abandoning all efforts to reassure her, pressed directly to his point.

"Miss Field, did you ever see the defendant, Miss Alice Emory, wearing a blue cloth skirt?"

The instant she comprehended the question, I could see the poor creature nerving herself for a tremendous effort, and her eyes suddenly centred on mine as though appealing to me for protection and support. After a pause the answer came in a frightened gasp.

"No."

"Or Miss Mapes?"

"No."

"Did you ever see such a thing as a blue cloth skirt in Mr. Shaw's house?"

The witness positively clung to me with her eyes.

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"No," she answered, firmly.

There was desperate courage in the utterance of that lie, and I could not help admiring the woman for it.

"Did you ever see anything which looked like a blue cloth skirt in Miss Mapes's possession?"

The jurors, leaning forward and listening intently, could scarcely hear the whispered denial.

"Speak up, Miss Field," the prosecutor prompted. "We must hear your answer. Yes or no?"

The witness's eyes questioned me wildly, imploringly, but at last she shook her head. Her searching gaze was becoming exceedingly uncomfortable, and I knew the prosecutor was beginning to notice it, but I did not have the heart to deny the pitiful encouragement which she seemed to derive from concentrating her gaze on my face.

"Look at me, Miss Field!"

The girl started and glanced tremblingly at her questioner, but her eyes instantly reverted to me as Gilbert repeated his unanswered question.

"Did you ever see anything resembling a blue cloth skirt in Miss Mapes's possession?"

"No-o, sir."

"Have you ever had any conversation with Miss Emory about a blue cloth skirt?"

"Never."

"But you have talked with Miss Mapes concerning it, haven't you?"

"No,"

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Gilbert watched the girl as he put the questions, but his glance turned to me as she answered, and I felt myself flushing under his obvious scrutiny.

"Is there a furnace in the Shaw farm-house?"

"Ye-es, sir."

I trembled with excitement as the girl uttered the faltering answer. Would she be able to withstand the strain of the next questions? Her eyes never left mine for an instant, and I grew more restless and uncomfortable under Gilbert's close surveillance.

"Did you ever see anything resembling a blue cloth skirt in that furnace?"

The witness opened her mouth, and her lips moved, but no sound issued from them. The prosecutor repeated his inquiry, and I could actually feel the woman imploring me to aid her as she struggled to reply.

"I must have an answer we can understand, Miss Field. Look at me. Did you ever see the skirt I have described, or any part of it, in the furnace of the Shaw house?"

"No!"

The answer burst from her like a cry, and, unable to bear her terrified glance any longer, I leaned back in my chair and shielded my face with my hand.

"That is all, Miss Field."

"No questions."

I did not look up as Barstow spoke, but pressed my fingers firmly upon my eyelids in an effort to blot out the picture. I could hear the witness leaving



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the stand, but almost every step she took across the bare floor echoed back to me with a question.

. . . Could I not have put questions to her which would have shown that she was lying? Could I not have compelled her to admit her conversation with Miss Mapes which I had overheard? Was I not hiding something from the Court because of Barbara Frayne's interest in the case? Did I not feel sure that Miss Mapes had told the woman that I was a friend, and advised her to watch me if she needed encouragement in her falsehoods? Was not my silence dishonorable and dishonoring? Was I not becoming an accessory by suppressing my guilty knowledge of the facts? Was I not practically conniving at perjury? Had I not sworn to myself that I would supply the necessary facts, if the lawyers should fail to bring them out? Had I done enough to satisfy honor and duty? Was I bound to—

The door of the Judge's private room opened and closed. The witness had gone, and with her departure I felt myself an accomplice in the crime. I passed my hand over my forehead, and, opening my eyes, found Gilbert watching me with a troubled expression, his forehead wrinkled, and the corners of his mouth drawn down in deep-set lines. Finally he roused himself with an effort and turned to the Court.

"Your Honor," he began, speaking slowly, and with impressive gravity, "I am now about to take a step which I have never yet resorted to in my en-

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tire professional career. It is a move which can be justified only by necessity, but I trust the Court will believe that I do not act without long and painful deliberation."

Judge Dudley gazed at the earnest face of the speaker with an expression of calm dignity, and gravely inclined his head.

"The Court has every confidence in the prosecutor's judgment," he observed. "Proceed, sir."

Gilbert turned quickly on his heel and faced the jury-box.

"*Mr. Lambert, please take the stand,*" he requested.

I stared at the speaker in astonishment, scarcely believing my ears, but before I had completed the wondering inquiry which rose to my lips Barstow had interrupted with a protesting roar.

## XXVII

**Y**OUR Honor, this is outrageous, barefaced intimidation of the jury! I object and protest! You cannot tolerate such action, sir! It is insulting to the dignity of the Court!"

The passionate outburst brought half the spectators to their feet, and the gavel crashed upon the desk again and again—the Judge leaning towards the excited audience in a threatening attitude.

"Sit down!" he shouted, angrily. "Be seated every one of you! Another minute and I'll clear the benches. Officer, arrest the next man or woman who rises!"

The commotion gradually subsided, but the old Jurist continued glaring indignantly at the crowd for some seconds after order was restored. Then he turned to Barstow with an expression of menacing severity.

"The Court takes this occasion to advise counsel," he observed, "that it is entirely competent to protect itself, and requires no instruction as to what is or is not insulting to its dignity. Now, sir, proceed."

Barstow shot an angry glance at the speaker.

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"I am an officer of this court," he began, in an ugly tone, "and as such I have the right—"

"Address yourself to the business in hand, Mr. Barstow, if you wish to be heard."

The lawyer received the sharp interruption with a savage glare of resentment, and took a step towards the Bench, his heavy head thrust forward, and the great cords of his muscular neck standing out tensely. Then he nodded slowly as though to some satisfying thought, and turned to the stenographer.

"Is my objection recorded?" he inquired.

The official glanced at his notes and silently assented.

"Very well then. That's enough."

Barstow resumed his seat as he spoke, thrust his hands in his pockets, tipped his chair back, and stared defiantly at the Bench.

"Do you wish to be heard, sir?" inquired the Judge.

The lawyer shrugged his shoulders.

"Unless I'm allowed to characterize this proceeding as I see fit," he muttered, "there's nothing to be said. In twenty years' practice I've never known a juror to be called as a witness in the cause he was selected to try, and I venture to predict that this Court will never countenance any such procedure. The idea is monstrous and deserves rebuke, not reply."

The Judge glanced at Gilbert as Barstow paused, and the prosecutor instantly rose.

"If the Court please," he began, "if my learned

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friend protests solely upon the ground that my action has no precedent *in his experience*, then I submit his objection is not well taken, for, as your Honor is aware, what I propose has both warrant and authority in law. Indeed, I will go further and say that the Court has no discretion whatsoever in the matter, for the section of the Code which I invoke is mandatory and positive in its terms."

The speaker paused, and, turning to the table, picked up an open book, and again faced the Court.

"*'If a juror have any personal knowledge of any fact in controversy in a cause,'*" he read, "*'he must declare it in open court during the trial—and the juror making the statement must be sworn as a witness and be examined in the presence of the parties.'*" Now I charge," he continued, "that Mr. James Lambert, the foreman of this jury, has personal knowledge of facts in this cause, and he *must* be sworn and examined as a witness."

"Your Honor, this is atrocious!" Barstow burst out. "The Court is well aware that Mr. Lambert's alleged knowledge was thoroughly investigated before one word of testimony was taken in this case, and the question was disposed of then and there by your Honor in person, and cannot now be reopened."

"If something has come to the knowledge of the prosecutor since Mr. Lambert was examined—" began the Justice.

"Will your Honor interrogate the juror?" suggested Gilbert.

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"I object," Barstow interrupted. "The Court cannot countenance this proceeding in any manner whatsoever. If it does the case may as well end here and now, for no adverse verdict rendered by a jury under such circumstances would stand for one moment on appeal."

"I will assume the responsibility of sustaining the verdict in this case," retorted Gilbert, meaningly.

"Of course you will," sneered Barstow. "But I warn you there's enough queer law in this case already to keep you busy without making it utterly ridiculous."

"The Court warns you, sir," interrupted Judge Dudley, "to withdraw those remarks and apologize!"

Barstow listened to the admonition with an offensive smile, and there was an evil gleam in his eyes as he watched the venerable face behind the desk.

"I withdraw my remarks and apologize," he answered, sullenly. "I admit my manners are not as good as the prosecutor's," he added. "But my law is better."

Every note in the man's voice was irritating, and I began to suspect that he was deliberately seeking to anger the Judge, but how he dared rouse the old gentleman at such a crisis passed my comprehension. Suddenly it occurred to me that he might be endeavoring to provoke the Court into deciding against him, and as I remembered his boast that any adverse verdict of the jury would be over-



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turned by the higher courts, if the prosecutor's request should be granted, I became convinced that this was his settled purpose.

"Mr. Lambert, I will ask you—"

I leaned forward as the Judge addressed me, but Barstow waved me back with both his arms.

"Don't answer the question, Mr. Foreman," he shouted. "I object, your Honor! I object! If you interrogate the juror now, I warn you the case is ended, and you will be held responsible—"

"I will be held responsible!" the old gentleman thundered, his face flushing with anger. "What do you mean, sir? You are offensive, and—and insolent, sir, and I warn you to—to— Your objection is overruled, sir. Now sit down."

"Exception!"

Barstow's eyes were glittering with excitement, and I could see faint traces of a dangerous smile on his lips as he uttered the sinister rejoinder.

"Mr. Lambert, have you any personal knowledge of any fact in controversy in this cause?"

I waited for Barstow to renew his protest, but he let the Judge's question pass without objection.

"I have," I answered, firmly. "And your Honor was advised of the fact before this trial began."

Barstow swung on his heel and faced the Court with an air of triumph.

"I renew my objection!" he exclaimed. "Your Honor had full opportunity to question this juror at the proper time, and took it upon yourself to—"

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"And I now take it upon myself to put him on the stand," interrupted the Justice, thunderingly. "Take a seat in the witness-chair, Mr. Lambert, and be sworn."

"I object to the juror's leaving the jury-box and to the Court's instructions."

"Objection overruled."

"Exception!"

"Mr. Lambert, do you solemnly swear—"

"I object to the juror's being sworn as a witness."

"Objection overruled."

"Exception!"

"Mr. Lambert, do you solemnly swear that such answers as you shall make in this cause, between the People and Alice Emory, shall be the truth, the whole truth, and nothing but the truth, so help you God?"

I bowed my head over the Bible which the court-attendant placed in my hand, and, looking up, met Barstow's evil leer of triumph.

"Now, Mr. Gilbert, proceed with your examination," directed the Judge.

I have heard actors say that the largest theatre appears small from the foot-lights, and the audience much closer to the stage than it really is, but I never realized the mental effect of this optical illusion until I seated myself in the witness-chair and faced the prosecutor. Not only did the court-room seem cramped and small, but the spectators appeared to have crept towards me until they sat huddled at my very feet, breathing directly into my face, almost

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suffocating me in their eager crowding. Barbara Frayne sat seemingly only a foot or so away, one hand clasping her father's, and the other pressed tightly across her lips, as though to keep from crying out, while her frightened eyes met mine without recognition or response. Moreover, the confusion of countless witnesses must have bewitched the chair in which I sat, for my brain whirled madly, and for a moment I could not have told the prosecutor my name.

"Mr. Lambert, declare any fact of which you have personal knowledge affecting this cause."

Barstow's arm shot out, and his hand fluttered in protest as the prosecutor framed his question.

"Don't answer, Mr. Lambert!" he shouted. "I object!"

I had no thought of answering, but my respite was short-lived.

"Objection overruled," snapped the Justice.

"Exception!"

Gilbert repeated his question, and as he phrased it I partially regained my self-possession.

"Shortly after the close of the first day of this trial," I began, "I was in the neighborhood of the Shaw farm-house, and, never having seen it, I stopped and inspected it from the outside, and while doing this I inadvertently heard a conversation between Miss Madeleine Mapes and Miss Bettina Field."

"Stop!" thundered Barstow. "I object! This is not the witness's personal knowledge—it is hearsay—and not binding on—"

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"Objection overruled and exception granted," interposed the Judge. "Now, Mr. Barstow," he continued, "to save further interruption, it is understood that you object to each and every statement of this witness, and each of your objections is overruled and an exception noted. Will that satisfy you?"

"Yes, sir, and I am also satisfied that the further continuance of this trial is a waste of time, and I request you to discharge the jury."

"I decline to grant the request."

"Exception."

Barstow sat down, and, turning his back to the Bench, began a whispered conversation with his client.

"Proceed, Mr. Lambert," prompted his Honor. "How did you know that the persons you heard conversing were Miss Mapes and Miss Field?"

"I saw them, and they have answered to those names in the court-room."

"Very well, sir. What did they say touching any fact in this case?"

"I cannot remember the exact words which were used," I answered, "but they were talking about this case, and Miss Mapes urged Miss Field to be careful what she testified to on the trial."

"Did she say why she should be careful?"

I hesitated before I turned to meet the Judge's inquiring glance.

"I cannot remember her exact words," I responded.

"Never mind the exact words. State the substance of the conversation."

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"As nearly as I can remember," I answered, speaking to the jury, "Miss Mapes warned the other woman that if she talked too much, or became confused, she might be guilty of murder."

I could feel the effect of my answer in the solemn hush which followed.

"Did they talk about any particular facts in the case?"

The Judge's question sounded as though whispered in my ear.

"Yes, the subject of the blue skirt was discussed, and Miss Field asked Miss Mapes how she was to answer certain questions which might be asked concerning it."

"Such as what?"

"Miss Field seemed to fear she might be asked if she had ever seen the blue skirt, and Miss Mapes told her to say she hadn't. Then Miss Field said something about having seen it in the furnace, and Miss Mapes asserted that her companion didn't really know that it was a skirt she had seen there, and advised her to deny all knowledge of it."

Often as I had thought of this conversation, I never realized the damning effect of it until I repeated it in court, and the silence which followed was ominous of the impression it created.

"Did you hear anything else?"

I hesitated as Gilbert put the question, and I saw Barstow watching me narrowly.

"Yes," I answered, steadily, "I heard a conversa-

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tion between Miss Mapes and a man who claimed to represent Mr. Barstow, in which Miss Mapes was urged to leave the State with the Field girl and remain away until after the trial."

"Did you learn the man's name?"

"Miss Mapes referred to him as Mr. Hunt."

Gilbert paused, and, turning to one of his assistants, stooped and whispered in his ear.

"Have you anything further to declare, Mr. Lambert?" he inquired.

"Yes, sir," I responded. "I received information over the telephone that Miss Mapes had occupied Miss Emory's room on the night of Mr. Shaw's death, but I cannot positively swear who talked to me over the wire."

"Did you recognize the voice?"

"I am not sure."

"Whose voice did you think it was?"

"I prefer not to express an opinion, your Honor."

"Very well, sir. Continue, if you please."

Barstow rose, and, moving to the far end of the jury - box, stood watching me with embarrassing intensity.

"The night before last, a few minutes after I received the telephone communication," I continued, "I was interviewed by a person whose voice I recognized as the man called Hunt, who had talked with Miss Mapes in the Shaw farm-house. He introduced himself, however, as Mr. Abel Corning, one of the prosecutor's assistants, and attempted to find out



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what I had learned about the case outside the court-room, saying that if I would tell him everything he would endeavor to persuade the Court to excuse me from serving on the jury. I declined to give him any information, and yesterday I encountered him driving Miss Mapes and Miss Field in a closed carriage along the Pollicet road."

"Did you have any conversation with him then?"

"No, sir. There was an accident, as I think your Honor knows, and the man was badly injured. I know nothing more about this case except what I have heard in the court-room."

Gilbert turned and nodded to his assistant, who immediately rose and left the room.

"I have no further questions to ask, your Honor."

"Now, Mr. Barstow."

The Judge glanced at the defendant's counsel, who still stood beside the jury-box, but the lawyer, instead of answering directly, moved to the rail and addressed the stenographer.

"Counsel for the defendant does not participate in the examination of the juror," he dictated, "but he requests the Court to take notice that the witness-juror carries in his pocket a newspaper containing an account of this trial, and praising his efforts on behalf of the prosecution.

I clapped my hand against my side, and discovered with dismay that the sheet Miss Frayne had given me was protruding from my pocket. It needed only this to complete my humiliation and chagrin,

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and I felt my face crimsoning as I turned to the Bench.

"I have not read the paper, your Honor," I blurted out. "It was intrusted to me for safe-keeping, and I have seen nothing but the head-lines, and those only by accident."

There was a titter in the audience, and as I glanced over the room I saw Barbara Frayne rising from her seat, and instinctively I shook my head.

"Do you demand the discharge of the juror upon the ground that he has this newspaper in his possession?"

Barstow hesitated, watching me with an insinuating smile.

"It isn't necessary," he responded, at last. "One good reason is enough, and, having given more than one already, I will let well enough alone."

If the Judge had been upon the point of yielding, Barstow's indifferent—almost contemptuous—answer would have changed his mind, and I could not understand the man's deliberate offensiveness. Then suddenly it dawned upon me that he wished me to retain my place in the jury-box, feeling sure that I would not dare render a verdict of guilty after having been publicly accused of prejudice. I answered his glance with a haughty stare of defiance as the thought crossed my mind, and at the same instant Judge Dudley addressed me.

"Mr. Lambert," he began, "answer me on your oath as a juror. Have the facts and occurrences

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which you have related had such an effect upon your mind that you cannot render a fair and impartial verdict in this case on the sworn testimony heard by you in this court-room?"

"I would rather be excused from serving, your Honor," I replied, "and I stated my position before the trial began."

"You have not answered my question, sir," he responded. "Can you render an impartial verdict on the sworn testimony, disregarding all matters which have reached you directly or indirectly outside the court-room?"

"Yes, sir. I can."

His Honor nodded approvingly as I spoke, and turned again to Barstow.

"Have you any motion to make, sir?" he inquired.

"No, sir. As counsel for the defendant, I shall take no part in this unheard-of proceeding. It is the Court's duty to discharge the jury instantly. The continuance of this trial is a useless waste of time."

"The jurors will disregard the remarks of counsel, and take their instructions upon the law solely from the Court," directed his Honor, sharply. "Do you wish to examine the foreman, Mr. Gilbert? No? Very well, Mr. Lambert, resume your place in the jury-box."

"I object to the juror's further service on the jury."

"Objection overruled."

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"Exception."

A court-attendant approached the Bench and whispered in the Judge's ear as I returned to my chair, and his Honor immediately addressed himself to Barstow.

"I desire to inform counsel for the defence that the witness, Madeleine Mapes, is in my private room," he announced, with frigid formality, "and he may now continue his cross-examination, if he so elects."

Barstow rose and advanced to the rail gazing fixedly at the Bench.

"In view of what has just taken place," he began, "I consider any prolongation of this trial unnecessary and inexpedient. I shall not, therefore, conclude my cross-examination of the witness."

The Judge flushed angrily as the lawyer spoke, but he controlled himself with an effort and turned to the waiting prosecutor. "Proceed with your case, Mr. Gilbert," he directed.

"The People rest," announced Gilbert, promptly.

For an instant I did not comprehend the words. Then suddenly their meaning flashed upon me. The prosecutor had no further proofs to offer, and the defendant was at liberty to show us her defence.

## XXVIII

THOUGH Gilbert's case had ended sooner than I expected, Barstow was evidently prepared for his announcement, for he sprang to his feet as he heard it and advanced to the rail with a memorandum in his hand.

"If the Court please," he began, "I request your Honor to instruct the jury to render a verdict of acquittal in this case. There is not sufficient evidence of the defendant's guilt to raise any question for the jury. No verdict except 'not guilty' could be supported by the facts submitted by the prosecutor. The circumstantial proofs wholly fail to make out the case required by law. Indeed, there is not a word of testimony connecting the defendant with this crime. It has not been shown that she was seen in or about Mr. Shaw's study on the night of the crime. On the contrary, it has been demonstrated that she was in a different and remote part of the building at the time he met his death. It has not been proved that the threads of cloth left in the candle-grease belong to any dress in her possession, and their identification with the skirt she gave the Mapes woman is not sufficient to create any pre-

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sumption against her. But if it had been demonstrated that she wore a skirt matching the threads on the night of the murder, and if her opportunity to commit the crime stood undenied, there would still be an entire absence of proof upon the all-important element of motive. The only suggestion of motive anywhere in the case is found in the statement of one witness to the effect that high words passed between Mr. Shaw and this defendant on the night of his death. The idea of predicating an accusation of murder—to say nothing of a verdict of guilty—on such testimony is monstrous. Everybody in this room, I suppose, has had high words at one time or another with somebody. We have come to a pretty pass, indeed, if high words necessarily imply murderous thoughts, and murderous thoughts necessarily imply murderous action! We were told in the prosecutor's opening that robbery was the defendant's motive, or, at least, he indicated it as one of her many motives. According to my learned friend she plotted to marry Shaw for his money, and, failing in this, she forged a will, hoping he would kill himself, and it was the discovery of this forgery which caused her to take her employer's life. We have listened to hours of testimony along these lines, and at the end of them all what do we find? There was no robbery. There was no forgery. Mr. Shaw had not refused to marry his secretary—she had declined to marry him. But they had had high words. That is the sum and substance of the whole matter. It



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would be laughable if it were not so serious. But it needs no comment. I desire, however, to call attention to the fact that only one witness testifies concerning these vague high words, and it is proper to consider who and what that witness is. When the prosecutor told us in his opening that we would find Alice Emory in every dark corner of this case, I assume he must have meant Madeleine Mapes. Listen at the door of Shaw's study, and what do you hear? A quarrel between Shaw and Miss Mapes—a quarrel between a faithless lover and a discarded woman. No high words, but plenty of bitter hate there. Look through the window of Miss Emory's chamber on the night of the murder, and whom do we find occupying the room so conveniently situated next to Shaw's study? Madeleine Mapes. Draw aside the curtain of her closet door, and what do you find? A blue cloth skirt belonging to the Mapes woman! Open the furnace door, and what do you see? The charred remnants of her telltale skirt. Will you credit the word of this female Judas, who swears eternal friendship for this defendant in one breath, and tries to swear her into eternity with another? I denounce her! I denounce her publicly, and in the name of the law. I—”

“Mr. Barstow!”

I started as Miss Emory uttered her counsel's name, and turning I saw her standing by her chair, her face flushed with anger, her arms extended rigidly, and her hands tightly clinched. Barstow paused

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for an instant, but took no other notice of the interruption, and before he could continue Judge Dudley interfered.

"Counsellor," he began, "it is only fair to say that I have fully determined to allow the jury to pass upon this case. Please state your motion as briefly as possible, and I will deny it, and give you the benefit of an exception."

Barstow regarded the speaker with indignant astonishment.

"Do you mean to decide this vital question without hearing me?" he demanded, fiercely.

The Judge frowned at the offensive question, and his protruding lip twitched suggestively, but he maintained a dignified silence until he controlled his voice.

"I have heard you, sir," he responded, at last. "But my mind is made up, and you can't change it. This case has got to go to the jury, and you may as well understand it one time as another."

"Your Honor takes a grave responsibility, and—"

The old jurist interrupted the speaker with an impatient gesture.

"I take grave responsibilities every day, sir," he retorted, "and up to date I have been equal to them. Stenographer, have you recorded Mr. Barstow's motion, and the grounds upon which he bases it?" he continued, sharply. "Yes? Very well then. Motion denied and exception granted. Now, counsellor, I will allow you to open to the jury to-night,

## THE ACCOMPLICE

if you desire, but I propose to adjourn court as soon as you have finished your address."

Barstow threw his papers upon the table and pushed back his chair.

"You may adjourn now, as far as I am concerned," he muttered. "I shall make no address to the jury."

Judge Dudley looked up sharply from his minute-book as he heard the announcement, and nodded with calm dignity.

"As you please, sir," he observed. "Are you prepared to begin the examination of your witnesses?"

"I shall call no witnesses."

The response was curt, decisive, and challenging, and an audible murmur of astonishment swept over the room. Judge Dudley's face betrayed no surprise, however, as he met the lawyer's defiant stare.

"You rest?" he inquired, imperturbably.

Before Barstow could reply the defendant suddenly moved forward and clutched his arm. He turned to her with a frown of impatience.

"Please take your seat, Miss Emory," he muttered. "I cannot be interrupted now."

*"You must be!"*

The words were plainly audible to the jury, and the lawyer reluctantly yielded.

"Your Honor will grant me a moment's indulgence?" he inquired over his shoulder as he moved away.

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The Judge nodded, and every eye in the room centred upon the lawyer and his client, as they began a whispered consultation which grew more and more animated as it proceeded, Miss Emory speaking rapidly and forcibly, and Barstow replying with equal determination, his head shaking from side to side, and his lips scarcely moving as he uttered his impatient replies. I had noticed the defendant's eyes when I had first seen her, but until I watched them during this conference I had no idea of their beauty. Indeed, her whole appearance was transfigured as she faced her counsel, her eyes flashing with determination, and her expression indicating a force of character with which I had not previously credited her. Her calmness and dignity had been impressive throughout the trial, but her sudden animation revealed a strong personality of intensely human interest.

Barstow's replies came at longer and longer intervals as the conference continued, and at last he ceased speaking altogether, and sat listening to his client, his eyes fixed upon her with devouring intensity. Then, while she was still speaking, he suddenly pushed back his chair and strode to the rail.

"The defendant rests!" he announced, with aggressive firmness.

Before the words were fairly uttered, Miss Emory was at his side.

"Your Honor, I desire to be heard!" she exclaimed.

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Judge Dudley raised his eyebrows and regarded the woman with disapproving astonishment.

"Your counsel is present, madam," he remonstrated. "I suggest that you address the Court through him."

"Your Honor, I desire to testify in my own behalf, and my counsel will not permit it."

Miss Emory spoke in a low tone, but her every word was plainly audible in the intense silence.

"Be governed by his advice, madam."

The Judge spoke gravely, soothingly, but the defendant instantly shook her head.

"I cannot, your Honor. I am accused of an infamous crime, and my dearest friend has been denounced by my own lawyer. Have I not the right to answer?"

"You have the right, madam. But I would advise you to consider the matter carefully before you act counter to your lawyer's advice."

"It is my life which is at stake, your Honor, and not his," she burst out, passionately. "Surely I cannot be denied a hearing because my lawyer objects. But, if so, let me change my counsel. I have waited for this moment for months and months. May I not defend myself by telling what I know?"

The woman's voice trembled with excitement, but it was clear and fearless.

Judge Dudley glanced inquiringly at Barstow, but the lawyer made no answer.

"I think I must permit the defendant to take the

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stand, if she insists upon disregarding your advice, Mr. Barstow."

A ripple of applause greeted the Judge's words, and before he could control it a thunderous burst of approval swept over the court-room.

Barstow waited for the tumult to subside, his finger pointing steadily at the stenographer's open book.

"The case is closed, your Honor," he asserted. "I am the attorney of record in this case, and the fact that the defendant has rested is already in the minutes. Further testimony cannot be received."

Barstow ignored the woman standing beside him, and gazed steadily at the Court as he spoke with all his customary force and aggressiveness.

"I must reopen the case, Mr. Barstow," announced the Justice, "unless you can persuade your client to think better of her action."

"I am not to be persuaded, your Honor," Miss Emory interrupted, hastily. "I demand the right to be heard."

"Then you may take the stand, madam."

Barstow stepped to the table as Judge Dudley uttered the words, and took up his coat and hat.

"I except to your Honor's ruling," he observed, with studied calmness, "and with that my duty ends. Self-respect demands my withdrawal, and I leave the case in your hands—"

"Wait—wait, Mr. Barstow!"

The lawyer was already on his way from the court-



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room as Judge Dudley spoke, but he halted and turned inquiringly to the Bench.

"I cannot allow you to retire at this stage of the case, sir," continued his Honor. "I recognize the delicacy of your position and the embarrassment to which you are subjected. But the defendant cannot be left unrepresented, and there is no one so competent as you to represent her at this crisis."

"I thank your Honor, but I cannot remain in a case where my advice is disregarded, and with due respect to the Court I must retire."

Barstow moved to the door as he spoke, but his Honor instantly halted him.

"You must do nothing of the kind, sir. No member of the Bar is privileged to abandon his client at will. I am ready to grant an adjournment to enable you to mature your plans or to consult with other counsel, but I cannot permit you to leave the defendant to her own devices under the existing circumstances."

Barstow regarded the speaker with an expression of uncompromising hostility.

"I submit you cannot prevent it, sir," he retorted, "and I respectfully remind the Court that I have been at the Bar quite long enough to know my rights and my duty."

The lawyer turned as he uttered the last word and again started for the door.

"Mr. Barstow, I should regret to commit you for contempt of Court, but unless you instantly return

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to your place, sir, I shall be obliged to enforce my authority."

There was no mistaking the tone of the Judge's voice, but Barstow continued calmly on his way. Finally, as he reached the last row of benches, his Honor leaned over the desk and pointed his gavel at an attendant.

"Officer," he roared, "if Mr. Barstow attempts to pass that door arrest him instantly!"

## XXIX

BARSTOW was almost at the door when the Judge's order rang out, and, seeing the attendant spring forward to dispute his further progress, he turned and walked back to the counsels' table.

"I submit to the Court's authority," he answered, "although the best interest of a defendant can never be served by forcing an unwilling counsel upon her. As your Honor insists upon my services, however, I suggest the propriety of an adjournment."

Before the Judge could answer, Miss Emory darted to the rail.

"Your Honor, I beg you to hear me to-night!" she exclaimed. "I cannot stand this suspense any longer. To-morrow—oh, a thousand things might happen by to-morrow! It is only fair and right that I should be heard now. I implore you to let me tell my story while I can!"

The woman's voice shook with emotion as she made her plea, and Judge Dudley was visibly embarrassed by the unexpected appeal.

"You are not the best judge of your own interests, madam," he responded, quietly. "Your proposed action is against the advice of your lawyer, and you

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should take time to reconsider the matter before committing yourself irrevocably."

"I have considered it. I cannot bear the torture of delay—I—"

"You are excited now, madam. When you are calmer you may see the situation in a different light."

"I am perfectly calm, your Honor, but I dread waiting for another day. I have waited so long already."

There was a note of piteous appeal in the speaker's voice, and the Judge nodded sympathetically.

"I am inclined to let the defendant take the stand, Mr. Barstow," he observed, tentatively.

The words seemed to renew Barstow's fighting spirit, for he stepped to the rail with all his customary aggressiveness.

"Your Honor cannot do so," he asserted, hotly. "I now demand an adjournment as a matter of right, and while I am conducting this case I insist that no unnecessary obstacles be placed in my way."

His words and manner were equally offensive, and Judge Dudley's face instantly darkened.

"You forget yourself, Mr. Barstow!" he exclaimed. "The Court has placed no obstacles in your way, but it has reached the limit of its patience with your truculent behavior."

Barstow received the reproof with an insolent stare.

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"I may have forgotten myself," he muttered, slowly. "But I have not forgotten that your Honor promised me an adjournment if I continued in the case."

The Judge's face flushed angrily as he heard the insinuating reply.

"The Court entered into no such bargain, sir!" he retorted. "I offered you an adjournment, and you responded by attempting to leave the court-room contrary to my instructions. Now I deny your application. Take the stand, madam, if you please."

"Exception!"

Barstow retreated to his chair, muttering fiercely to himself, and, crouching down, watched the Judge with an expression of vindictive fury until the defendant reached the witness-stand. Then his expression suddenly changed, and pushing his chair forward he concentrated his gaze on his client's face, studying her as he had studied the jury during the early hours of the trial.

I had heard the oath administered to many witnesses before Miss Emory took the stand, but until I saw her with her hand uplifted listening to the Judge's words, I had never been impressed with the solemnity and dignity of the simple ceremony. Even when I had been sworn as a juror I had merely responded to the dramatic appeal of the moment. In itself the formula prescribed by the law did not inspire me with any particular feeling of reverence. But Miss Emory received it in a different spirit, and

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when she touched the Bible with her lips, and turned to the jury, her face was transfigured, and one felt that to her it was a sacrament.

"Miss Emory, I warn you, before you make any statement in this case, that the law does not require you to testify in your own behalf."

The defendant turned quickly to the Bench as she heard the words.

"I understand perfectly, your Honor," she responded. "Mr. Barstow has informed me of all my rights, and I regret exceedingly to disregard his advice."

"You are not obliged to incriminate yourself in any way," continued the Judge. "The fact that you do not personally answer the charge against you does not create any presumption of your guilt, and the jury will be specifically instructed to give it no consideration whatsoever. Moreover, I urge you to be governed by the advice of the experienced counsel who represents you, and to abide by his decision upon the policy of your defence."

The grave courtesy of the words increased my respect and admiration for the venerable speaker. His office was too high for personal resentment, and his impartial bearing under grievous provocation embodied the splendid impersonality of the law.

Miss Emory seemed to realize the solemnity and dignity of his calm admonition, for she turned to him almost apologetically.

"I appreciate all that has been done for me, your Honor," she answered, "but I feel sure I am right in



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this. I would have been content to make no denial for myself. But my dearest friend has been attacked—cruelly attacked to divert attention from me. Therefore I insist upon telling the whole story. She is as innocent as I.”

There was a note of firm defiance in the speaker’s voice, and I began to understand the nature of Barstow’s quarrel with his client.

“Miss Mapes is not upon trial, madam, and requires no defence at your hands. If this is your reason for disregarding your lawyer’s advice—”

“I desire to be heard in my own behalf as well, your Honor. I understand my rights in every particular.”

“Very well, madam. Do you wish to examine the witness, Mr. Barstow?”

The lawyer shook his head, but his eyes never left his client’s face.

“Then tell your own story, madam, in your own way.”

“Your Honor will question me if I do not make myself clear?”

“Certainly. Face the jury, madam. They cannot hear you if you look at me.”

Miss Emory turned from the Bench, and her glance rested momentarily on Barstow’s heavy face before she met the eyes of the men who were to judge her story. For an instant she hesitated, and I understood the dread feeling of oppression with which she was struggling. The twelve men confronting her,

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the stenographer, the lawyers—all the eagerly staring and listening occupants of the room were crowding upon her with suffocating closeness, and the very silence of the place was stifling her.

“I first met Mr. Shaw two years—a little more than two years ago,” she began, at last, speaking rapidly, almost breathlessly. “I applied to him at his office for a position as private secretary and obtained it. I—”

“How did you happen to make the application, madam? Did you answer an advertisement?”

The defendant turned to the Judge with a grateful expression as he interrupted, and shook her head.

“No, sir,” she answered. “I was recommended to him by a friend.”

“Who was that friend?”

“Mr. Barstow.”

All eyes immediately centred on the lawyer, who continued gazing steadily at the defendant as though unconscious of the interest he inspired.

“Proceed, madam.”

“I carried a letter of introduction from Mr. Barstow, whom I had known for several years, and Mr. Shaw immediately engaged me. At first I worked only at his office, but before long he suggested that I take up my residence at his home in Pollicet, as most of his correspondence could be conducted there. I consented to this and became a member of his household. For a time everything worked satisfactorily, and then Mr. Shaw began to pay me more attention

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than I cared to receive, and some three or four months after I came to Pollicet he asked me to become his wife."

"When was this, Miss Emory?"

"About eighteen months ago—in May, I think. The May before he died."

"And you refused his offer?"

"I certainly did, and I should have left his employ at once if he had not promised on his word of honor to drop the subject."

"You did not like Mr. Shaw?"

"I neither liked nor disliked him. I knew nothing about him except that he was my employer."

"Did he repeat his offer of marriage?"

"He did, before a month had passed, and this time he pressed me so hard for the reason of my refusal that I told him frankly I was not free."

"Meaning you were already engaged?"

"Yes, sir."

"Were you?"

"I was."

"Will you tell us to whom you were betrothed?"

"Yes, sir. I was and am engaged to Mr. Barstow."

An audible murmur of astonishment came from the audience, and again the lawyer became the centre of interest, but his face betrayed no emotion whatsoever.

"Did Mr. Shaw know of this?"

"He never asked me whom I was engaged to," answered the witness, "and I never told him. In fact,

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I do not think he believed me at all, for, although he again promised to drop the subject, he never really did so, and hardly a day passed without some direct or indirect reference to it, until the situation became so intolerable that I confided in Miss Mapes. She and I had been friends from the moment I came to the farm, and we have been like sisters ever since. In fact, I should not have consented to become a member of Mr. Shaw's household had I not known she was there, and I would not have remained had she left. We had our meals together, and when we were not working, we were constantly in each other's company. I knew she was aware of Mr. Shaw's marked attentions to me, but she never spoke of them until I broached the subject. Then she warned me against him, and told me something of her experiences—most of which she has repeated here to-day. She was sympathetic, kindly—even generous. I never heard her speak a bitter word against Mr. Shaw in all our conversations. We became even more strongly attached to each other after this, and spent more and more of our time together. Mr. Shaw was extremely nervous and excitable for some weeks before his death, and I knew in a general way that he was in some difficulty which might have serious consequences. But just what he had done or why he was anxious I never learned until after his death. During this time, however, he left me alone, and I was beginning to feel more at ease with him, when he suddenly renewed his attentions, and ended by

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threatening to kill himself unless I consented to become his wife."

"When was this?"

"The afternoon before he died."

"Tell us everything that occurred."

The silence of the court-room was broken only by the ticking of the clock as Miss Emory hesitated.

"I had been working with Mr. Shaw in his study," she continued, at last, "and had found him more than usually nervous all the afternoon, but he gave me no warning of what was coming until he suddenly threw aside his papers and began urging me to marry him, using all sorts of arguments and making promises of various kinds. I steadily refused to consider the matter, and when I rose to leave the room he pulled a paper from his desk and insisted on my reading it. It was the will which has been shown here, leaving all his property to his wife Alice. Alice, he said, referred to me. I indignantly protested against his use of my name in such a connection, and he replied by showing me a list of property which he said he owned in Venezuela, and which he declared I could have for the asking, if I would be his wife. I told him I was not to be bribed, and that I would leave his house the very next day. Then he drew a revolver and told me that I would not have to wait long before I became a widow, but that I must become his wife. I thought he had lost his mind, and was about to flee from the room when he pointed the pistol at my head and told me not to move. Then he suddenly

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laughed, threw the weapon aside, and, darting forward, seized me in his arms and kissed me. I struck him across the mouth and managed to escape to Miss Mapes."

The defendant had told her story in short, gasping sentences, and when she paused, exhausted, the audience which had hung upon her every word stirred noisily, exchanging excited whispers, until the Judge rapped sharply on his desk.

"Then what occurred?"

Miss Emory paused and passed her hand across her forehead as she heard the Judge's prompting question.

"I found Miss Mapes in her room and told her what had happened," she continued. "She sympathized with me, and offered to allow me to occupy her room for the night, as I was nervous about returning to my own, and I gratefully accepted her proposal. We parted about eight o'clock, as she had some household duties to perform, and I remained in her room until about a quarter-past eight, when I went to the library for a book. As I was returning through the front hall I saw Mr. Owen Hunt standing on the piazza, and, supposing he had rung the bell, I opened the door for him and let him in. We exchanged greetings, and, knowing that he had an appointment with Mr. Shaw, I told him to go to the study. He started up the stairs, and I returned to Miss Mapes's room, went to bed about ten, and slept soundly all night. Miss Mapes came to me soon after I was



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dressed and told me of Mr. Shaw's death. Of course I thought he had committed suicide, and it was not until about noon that I heard what the physicians had discovered."

"Who told you of that?"

The Judge was leaning over his desk, his hand behind his ear as he interrupted, and the defendant turning found herself face to face with her questioner.

"Mr. Barstow," she answered, calmly.

The Judge nodded comprehendingly.

"I remember," he answered, lightly. "He heard of the trouble and called to advise you not to talk too much. That is what Miss Mapes said, I believe?"

"Yes, sir. That is true."

"Did you tell him what had occurred the previous evening?"

"I did."

"Did you tell him about having let Mr. Hunt into the house?"

"Yes, sir."

"Was Miss Mapes present at this conversation?"

"Not the first time I talked with Mr. Barstow. Later she was."

Gilbert had risen when the Judge had begun questioning the witness, and as she gave her last answer his Honor nodded to the prosecutor, who at once took up the examination, plying the defendant with inquiries, all pointed directly at Miss Mapes, and displaying intense interest in her every word and action.

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Miss Emory at first answered the questions quietly, but as the inquiry continued she showed impatience and even indignation, and when the prosecutor introduced the subject of the blue skirt she turned appealingly to the Judge.

"If your Honor will permit me to tell the rest of my story in my own way," she exclaimed, "I know I can save time. Miss Mapes had nothing to do with this matter, and I can prove it. I will answer any questions afterwards."

Gilbert immediately resumed his seat with a satisfied expression.

"I accept the suggestion, your Honor," he announced, at the same time beckoning to a messenger, who received a whispered communication and hurried from the room.

"Proceed, madam."

Miss Emory glanced at the Judge, and for a moment I thought she was about to address him, but she finally turned again to us.

"Mr. Barstow told me at our first interview," she began, "that every inmate of Mr. Shaw's house would be under suspicion, and advised me to say nothing without consulting him. Later, when he learned that Miss Mapes and I had exchanged rooms, he asked to see her, and explained the situation to us both, telling us of the blue threads which the detectives had discovered in the candle-grease, and questioning us about our gowns. I had owned a blue skirt, but when I looked for it after our talk I could not find it,

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and Miss Mapes finally confessed that she had burned it in the furnace fearing it might subject me to suspicion. Of course I was indignant, but I knew she had intended to do me a service, and when I saw how frightened she was I tried to make light of her indiscretion. Mr. Barstow, however, took a very serious view of the matter when he learned that Betty Field had come into the cellar just as Miss Mapes was thrusting the garment into the furnace, and insisted that she should not speak another word or do another thing without his permission. She promised to obey him, and he warned me not to tell her anything. When the authorities began to suspect me I wanted to make a frank statement of everything I knew, but he would not permit it, and when I insisted he told me that I would do him a great wrong if I talked, for I would convict his friend and client Owen Hunt."

For a moment I did not realize the purport of her words, and I do not think any one in the audience fully comprehended them.

"Do you mean to say Mr. Barstow confessed to you that Owen Hunt killed Mr. Shaw?"

The Judge leaned excitedly over his desk, and his tone expressed astonishment and incredulity.

"He did, and he begged me not to betray a man who had once saved his life," Miss Emory answered, steadily. "He told me Hunt was innocent—that Mr. Shaw had attacked him in a burst of rage, and that Hunt had stabbed him in self-defence. If the

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man had only made a clean breast of the matter, he explained, instead of trying to conceal the facts, he could easily have been acquitted. But as things were, nothing could save him if I confessed that he was in the house. Even after he saw I might be indicted, Mr. Barstow begged me not to speak, and I agreed to keep silence. I knew Mr. Hunt was a brave man to whom Mr. Barstow was under deep obligations and who had once saved his life, and I felt perfectly safe in Mr. Barstow's hands. He attacked Miss Mapes because he found the testimony against me was stronger than he liked, and when he persisted in protecting me in this manner I repudiated my promise of silence."

Miss Emory paused and leaned back wearily in her chair.

"That is all I have to tell," she concluded.

The pent-up excitement of the audience found vent in a wild burst of applause—a spontaneous tribute which the Judge did not try to repress—and as I watched the exciting scene I saw Gilbert standing near the door earnestly whispering to Barbara Frayne and her father. Before I recovered from my surprise, however, the prosecutor wrote a few words on a slip of paper, shoved it into the girl's hand, and, hurrying her and the Colonel from the court, slipped quietly back to his place again.

Finally the Judge hammered the audience to order and addressed Barstow, who still sat watching the defendant.

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"Do you wish to cross-examine, Mr. Barstow?" he inquired.

"No, sir. My own statement will be forthcoming at another time and place. I move that the jury be instructed to acquit."

The lawyer did not look up, and his lips scarcely moved as he muttered the response.

"I will reserve decision on your motion until the prosecutor finishes his examination," his Honor answered. "Have you any further questions, Mr. Gilbert?"

The prosecutor was already on his feet as Judge Dudley spoke.

"Miss Emory," he began, "did any one except you know of Hunt's presence in the farm-house on the night Mr. Shaw was killed?"

"No one, I think."

The witness answered mechanically, her eyes fixed on Barstow.

"Not even Miss Mapes?"

"No."

Gilbert moved outside the rail and took up his position on the far side of the jury-box.

"Turn to me, Miss Emory," he commanded. "That's better. Farther still, please. Twist your chair until you face the twelfth juror. Good! Now tell me how you happened to know that Hunt had an appointment with Mr. Shaw on the evening you let him into the house."

"Because Mr. Shaw told me so." .

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"He said he had an appointment with Mr. Hunt?"

"No, I think he said Mr. Barstow. But they always came together."

"Who? Hunt and Barstow?"

"Yes."

"They were frequent visitors at the house?"

"No. Almost all their business with him was done elsewhere."

"What was their business with him?"

"Law business. Mr. Barstow was Mr. Shaw's counsel."

"Another gentleman has been mentioned here as Mr. Shaw's lawyer. The one who drew the will."

"Very likely. I don't remember. What difference does it make? Mr. Barstow was one of his attorneys."

The answer was impatient, but Gilbert nodded sympathetically at the witness.

"I see," he answered, soothingly. "When you opened the door for Mr. Hunt, did you have any conversation with him?"

"No—we merely exchanged greetings, and I directed him up-stairs."

"Didn't you ask him where Mr. Barstow was?"

"No."

"Didn't you expect to see Mr. Barstow with him?"

"I think I did."

"But you asked no questions?"

"I supposed he would come later."

"But he did not?"



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"No. He had been detained in town."

"How do you know?"

"Because he told me so. He blamed himself for the tragedy, which would never have happened if he had not allowed Hunt to go alone."

"I see. Did you have any conversation with Mr. Barstow about Shaw's attitude towards you?"

"I told him when Mr. Shaw first proposed to me."

"But not about his subsequent offers of marriage?"

"I told him something about them, but not everything until after Mr. Shaw's death."

"Why not?"

"Because it distressed him."

"How did he show his distress?"

"He became very angry."

"Didn't he insist upon your resigning your position?"

"Yes; but when I heard what an important client Mr. Shaw was, and saw that my leaving would lead to a quarrel, I decided to remain."

The examiner paused for a moment before he put his next question.

"Miss Emory, did you see Hunt leave the house on the night of November 2d?" he inquired, at last.

The witness shook her head.

"I told you I did not," she responded.

"Are you perfectly sure that the person you let into the house that night was Owen Hunt?"

"Why, of course!" she exclaimed, impatiently.

"Who else could it be?"

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"I don't know. But your story is a serious accusation, and I want you to consider the possibility of a mistake."

Gilbert paused and turned to Corning, who had entered the room and was eagerly waiting to deliver a message. A brief whispered consultation followed, and then the assistant again hurriedly left the court as the prosecutor resumed his questioning.

"Did you understand from Barstow that Hunt was alone with Shaw when this—tragedy occurred?" he continued.

Miss Emory nodded.

"I did," she assented.

"Have you any other information on the subject?"

The witness shot a frightened glance at her inquisitor.

"No," she answered. "Why—"

"It is possible, is it not," Gilbert interrupted, "that Mr. Shaw might have had other visitors without your knowledge?"

"Yes—but—"

The color had left Miss Emory's face and her voice broke nervously.

"Did you ever tell Hunt that you knew he was the guilty man?" pursued the examiner.

"No."

"Did you have any conversation with him concerning his share in the crime?"

"No."

The answers came in choking gasps, and seeing the

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witness glancing wildly about her one of the attendants hurried forward with a glass of water, but the woman pushed it away and stared at the prosecutor with a look of dawning terror.

"Was the gas lit in the hall when you opened the door for Hunt, Miss Emory?"

The tone of the question was reassuring, but the witness's voice sank to a whisper as she assented.

"So that you could plainly see the person you admitted?"

"Yes."

"Describe him, please."

"He was a tall, clean-shaven man with dark hair and eyes. His face was thin, and his nose rather sharply pointed. Oh, what is the use of going into all this!" she burst out, hysterically. "Bring Hunt here. I will identify him!"

"Yes—yes—of course," answered Gilbert, soothingly; "but so there can be no error, Miss Emory, tell us how he was dressed when you saw him in the hall that night."

"He wore an alpine hat, a black overcoat, gray trousers, and—"

Gilbert glanced across the court-room, and nodded as he saw Abel Corning re-entering the door.

"*Gray trousers?*" he repeated, meaningly. "That is all, Miss Emory. Thank you."

The end came so suddenly that the Judge himself was startled.

"Any further questions, Mr. Barstow?" he inquired.

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The defendant's counsel mopped his face with his handkerchief and muttered "No."

"Then, as I understand it, both sides rest?" continued the Justice.

"Pardon me, your Honor," interrupted Gilbert. "I desire to call a witness in rebuttal."

"In rebuttal? You mean to contradict the last witness?"

For the only time during the trial the Judge's voice reflected something of the excitement of the audience.

"Yes, sir. I mean to contradict her."

Gilbert's answer was steady, confident, and decisive, and the Judge nodded acquiescently.

"Very well, sir," he responded, "call your witness."

"*Owen Hunt!*" announced the prosecutor, calmly.

### XXX

THE audience turned expectantly to the courtroom door as Gilbert spoke, and a deathlike silence followed, the jurors glancing at one another in utter bewilderment, and the Judge himself staring with strained intensity at the calm, resolute face of the public prosecutor. I no longer cherished any prejudice against Deake Gilbert, and my early impressions of the man had completely faded. Indeed, in the whirl of events and the confusion of the moment—not knowing what to think or expect—I was conscious of a firm reliance in his judgment, of a supreme confidence in his ability to handle the situation and extricate us all from the maze of contradictions and surprises in which we were involved.

Suddenly Barstow staggered to his feet and broke the silence with a burst of violent protest against continuing the trial. It was preposterous, he asserted, to begin rebutting testimony at such an hour. There was no necessity for crowding the work of two days into one night. The situation demanded an instant adjournment. It was inhuman to prolong the case beyond the endurance of jurors and counsel, to say nothing of the accused. He himself had not

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the physical strength to continue, and a postponement was imperative.

The lawyer swayed unsteadily, clutching wildly at the rail as he spoke, but when the prosecutor rose to reply he turned upon him with a torrent of invective, denouncing his professional conduct and impugning his motives with such thunderous vehemence that the Judge was powerless to make himself heard. Finally he ordered a court-attendant to force the excited speaker to his seat, but the instant the official laid a hand upon his shoulder Barstow flung him one side with a wave of his arm and continued his impassioned denunciation. Then he suddenly paused, and, sinking into his chair, glared at his opponent with all the desperate ferocity of a madman.

As soon as the commotion among the spectators subsided Gilbert rose and addressed the Court with quiet and impressive dignity. It was apparent, he observed, that his opponent was suffering from a nervous strain of unusual severity, and if his official duty would permit him to do so he would gladly consent to the requested adjournment. But the ends of justice, he asserted, were paramount to the comfort or convenience of any individual, and the highest public interest demanded the immediate examination of Owen Hunt, not only because he had been publicly accused of a crime, but also because there was grave danger that another day might find him physically incapable of testifying to any facts in



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the case. For this solemn reason he felt bound to urge the Court to hear the witness before it was too late.

Gilbert's eyes never left the Judge's face as he spoke, and when he paused it was apparent that his earnest words had made a deep impression. Even to my mind they conveyed a suggestion of something left unsaid—of some underlying purpose which must not be balked or halted.

Before his Honor could respond, however, Barstow was again on his feet, vehemently contending that Hunt could not be called as a witness without proper notice to the defence—that the list of witnesses which the prosecutor had furnished, according to law, did not include his name—that the defence could not legally be subjected to surprises of this sort—that neither Hunt nor any other witness could be compelled to testify against himself, and Gilbert's avowed purpose to take advantage of a sick man accused of a crime dishonored him as an official and discredited him as a member of the Bar.

"This man has already done his worst," he shouted, "to make this trial a travesty on justice and a mockery of law! Will the Court encourage him to outrage—"

A disturbance in the back of the room interrupted the speaker, and as he glanced over his shoulder two men entered the door supporting a third, whom I instantly recognized as Owen Hunt, despite the bandages which almost concealed his face, and be-

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fore Barstow could resume his argument the Judge curtly interposed.

"I shall hear this witness, Mr. Barstow," he announced. "Take an exception and preserve whatever rights you think infringed. Mr. Gilbert," he continued, "is your witness mentally and physically equal to the examination you propose?"

The prosecutor whispered to his assistant and glanced up quickly.

"He is equal to all demands which will be made upon him, your Honor," he answered, firmly.

"Then let him take the stand," directed the Justice. "You can raise your right hand, sir?" he continued, addressing the witness as the attendants assisted him into the chair. "Never mind, sir. We'll dispense with that. Do you solemnly swear that the answers you shall make to such questions as may be put to you in this action between the People and Alice Emory shall be the truth, the whole truth, and nothing but the truth, so help you God?"

Hunt touched the Bible with his lips, but his eyes never left Barstow's face as the Judge addressed him.

"Mr. Hunt, are you aware that you do not have to answer any questions which may tend to incriminate or degrade you, and that you cannot be compelled to testify against yourself in any way?"

The witness glanced up and nodded.

"I understand," he answered.

"Are you likewise aware," continued his Honor,

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"that you have been accused in open court of the crime of murder—the murder of Gregory Shaw?"

"That is what I am here to answer."

The defiant response brought Barstow to his feet.

"I advise the witness to remain silent!" he thundered. "I advise him that anything he may say will be used against him. No promise of immunity will be binding or effective, and I warn him—"

"I'll take my chances," Hunt interrupted, impatiently. "What do you want to know, Mr. Gilbert?"

"I want you to tell the jury everything you know concerning the death of Mr. Gregory Shaw."

Barstow, who had turned away with a shrug of his shoulders, instantly wheeled about, his face white with rage.

"That is no way to conduct an examination, and you know it!" he shouted, fiercely. "Your Honor, this is a flagrant attempt to prevent me from excluding improper testimony. It is—"

"The prosecutor will question the witness in the usual manner," Judge Dudley interrupted, but Barstow was not satisfied, for he immediately interposed new objections too technical for me to understand, and no sooner carried one point than he presented another, contesting every inch of ground, and fighting against time with wonderful persistence and resource. But ingenious as his tactics were Judge Dudley met them with prompt concessions, yielding every demand until the obstructionist desisted from

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sheer exhaustion, and the examination at last proceeded.

“Mr. Hunt, what is your business or profession?” began the prosecutor.

The witness paused for a moment and gazed vindictively at Barstow.

“I am a clerk—a private secretary—a go-between—a cat’s-paw—a scape-goat! Well, something of that sort,” he added, bitterly.

“In whose employ are you?”

“Until to-day I was in Ferris Barstow’s.”

“You mean Mr. Barstow—the counsel for the defence?”

Hunt nodded affirmatively.

“How long have you been in his employ, Mr. Hunt?”

“About six years.”

“Did you know the late Gregory Shaw?”

“I knew him well.”

“Who introduced you?”

“His lawyer, Mr. Barstow.”

“Were you in Mr. Barstow’s employ when he first had business with Gregory Shaw?”

“Yes.”

“Do you know what that business was?”

The witness started to reply, but Barstow instantly smothered the answer with a flood of objections which had to be diverted and bridged in a dozen different ways before the story proceeded.

Barstow had chanced upon a clew to Gregory

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Shaw's defalcations, Hunt at last responded, and had followed it up so closely that Shaw had to retain him to avoid exposure.

"Do you mean to charge that Mr. Barstow blackmailed Mr. Shaw into retaining him as his counsel?" demanded Gilbert.

Hunt met the question with an expression of low cunning and a shake of the head.

"I guess the other side would have paid him as much to talk as Shaw paid him to keep quiet," he answered. "He gave his client good value for his money, and kept him going longer than any other lawyer could have done."

"Was Mr. Barstow known as Shaw's attorney?"

The witness smiled grimly as Gilbert put the question.

"Of course not," he answered. "It was an absolute secret."

"Why?"

"Because Barstow was in close touch with the people Shaw was fleecing, and if it had been known that he was Shaw's adviser some one might have become suspicious."

"Were you the only person who knew of their relations?"

"No."

"Who else knew them?"

"His secretary."

"Miss Alice Emory?"

"Yes."

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The witness glanced at the defendant, but his eyes instantly reverted to the prosecutor.

"Was she aware of the sort of business which was transacted between Shaw and Barstow?"

"I don't know. You can ask her."

"Did you call at Mr. Shaw's house in Pollicet on the evening of November 2d?"

"I did."

"At Mr. Shaw's invitation?"

"I suppose so. We had an appointment with him."

"Whom do you mean by we?"

"Mr. Barstow and I."

"And you kept the appointment?"

"We both kept it."

Miss Emory sprang to her feet as Hunt responded, her face pale with terror, but she sank back in her chair at a glance from Barstow.

"Did Mr. Barstow accompany you?" continued Gilbert.

"No. I arrived first. Barstow came later."

"Who answered the door when you arrived?"

"Miss Emory."

"Do you know who let Mr. Barstow into the house?"

"Yes. I did. I saw him coming in at the gate from the hall window, and went down-stairs and opened the door for him myself."

The prosecutor whispered to his assistant, and then faced the witness with a masterful expression.



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"Mr. Hunt, what business brought you and Mr. Barstow to the Shaw farm that night?" he demanded.

"To get Shaw to sign some papers," Hunt responded.

"What papers?"

"May I explain something first?"

Gilbert nodded.

"Well, you see, people were beginning to get on Shaw's trail," the witness continued, "and the prospects were that he would be exposed before long. Barstow and Shaw both knew this, and they had been preparing for it. Shaw had sold out all his property and turned it into quick-selling securities, and under Barstow's directions I had made all arrangements for the deposit of those securities with a South American bank. To perfect the scheme it was necessary to have certain papers signed, and Shaw was to execute them that night in our presence."

"You had the papers with you?"

"No, Barstow brought them. I was to act as witness."

"Very well. Describe what occurred after Mr. Barstow arrived."

In the breathless silence which followed Gilbert's demand, Miss Emory rose and drew her chair close beside her counsel.

"We went into Mr. Shaw's study and found him writing at his desk," began the witness. "He was

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excited, and when the papers were produced and he discovered that they were made out in Barstow's name he refused to sign them saying they would put him completely in Barstow's power. This led to angry talk, but the upshot of it all was that Shaw would not yield, and Barstow finally asked him how he proposed to do the business. Then Shaw drew a paper from his desk showing a transfer of all the property to Alice Emory, and the moment Barstow read this he threw it on the table, saying he would not permit the use of Miss Emory's name."

The witness paused, groping at the counsels' table with out-stretched hand, and one of the attendants interpreting the gesture hastened forward with a glass of water. Hunt moistened his lips and sank back in his chair with a gasp.

"Did you hear Shaw's reply to Barstow's declaration?" prompted Gilbert, after a pause.

The witness nodded slowly.

"He demanded Barstow's authority for saying what Miss Emory should do or leave undone," he responded, "and Barstow declined to give it. That was the beginning of the trouble, but they soon got to talking so fast I couldn't distinguish what they said until Shaw shouted out that he'd talk about his wife in any way he pleased, and thrust another paper under Barstow's nose."

"Did you see what that paper was?" interposed the Judge.

"It was a copy of the will made out in favor of his

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wife Alice," Hunt responded, "and the moment Barstow saw it he flung it on the floor. 'You impudent rascal!' he hissed. 'You're not married to Alice Emory, and you know it!' Shaw laughed in his face. 'I'm as good as married to her, and what's good enough for her and me ought to do for you,' he leered, and before I realized what was happening Barstow had him on the floor and it was all over."

The speaker's voice sank to a whisper, and in the awful silence which followed I glanced at Alice Emory. From the moment Gilbert had called the witness to the stand her expression had indicated horror, and as Hunt uttered the last words she suddenly threw her arm around Barstow's shoulder sobbing convulsively.

I fairly gasped as I watched the scene. If Hunt's story were true Ferris Barstow was not only a murderer, but a cowardly cur who had attempted to screen himself behind a woman at the peril of her life, and yet the victim apparently forgave him, and reproached herself for having betrayed him! Blackguard as he was the defendant's action seemed to lift the man out of himself, and as he gazed silently into his client's face I saw a look in his eyes which would have honored a better man, and from that instant his entire demeanor changed.

"Did you not know what had happened, Mr. Hunt?" Gilbert demanded, after a pause.

"Not until Barstow got up," the witness answered, "and then I saw he had a miniature foil in his hand

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which Shaw used as a paper-cutter. I had seen it lying on the table just a moment before."

The witness paused again, took a sip of water, and waited for a prompting question.

"Did the sight of that weapon tell you what had occurred?" queried Gilbert.

Hunt shook his head.

"I never dreamed of it until Barstow gripped my arm and whispered that the man was dead," he answered, "and even then I couldn't believe it, for I dropped down beside the body and tried to restore it to life. Barstow helped me for a time, but he must have known it was useless, for as I worked he locked the door and outlined his plan to make it a case of suicide. I did whatever he ordered. He hypnotized me once, and since then I've never been able to oppose him. He owned me until—until I got this jolt on my head yesterday. Maybe that cured me."

The injured man smiled faintly and motioned the attendant to lift him higher in his chair.

"You know how we escaped," he continued. "It was Barstow who knelt in the candle-drippings and gave the clew to the blue threads, but neither of us knew we had left any trace until we heard what the police had discovered. Then I got panic-stricken."

"How did you escape from the veranda roof?" the Judge inquired. "Did you pass through the window?"

The witness glanced at the Bench and smiled.

"No, sir," he answered. "The foreman gave the

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clew to that. We swung down from the veranda roof on a shutter of one of the kitchen windows, just as Mr. Lambert suggested."

A ripple of applause started in the audience, but the Judge's gavel quickly suppressed it.

"Did I understand you to say you became panic-stricken after the discovery of the blue threads from Mr. Barstow's trousers?" the prosecutor continued, quietly.

"Yes, sir," Hunt responded. "I wanted Barstow to get out of the country, and when he wouldn't hear of that I threatened to leave him. He soon cured me of any such notion, however, and when I was sufficiently cowed he told me his plan. He was engaged to Miss Emory, he said, and she had promised to say nothing about having seen me in the house—and she stuck to her promise, all right," he added, warmly.

"Do you mean to say you plotted to shield yourself and Barstow by casting suspicion on Miss Emory?" demanded the Judge, disgustedly.

"No, indeed, sir," protested the witness. "I never dreamed she would be suspected until it was too late, and then Barstow argued that she was hopelessly implicated, anyway, and the safest way for us all was to stick it out and get her acquitted."

"Did you know that he had told her that you were the murderer, and that in shielding you she was protecting his dearest friend?" interposed the prosecutor.

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"I did not," Hunt asserted. "I never knew it until Miss Frayne brought me your message saying she was swearing my life away," he added.

"You entered into Barstow's plans without any particular fear of the consequences, did you not?" suggested Gilbert.

"Well, at first it seemed as though there was little or no risk," the witness answered, "but I got panicky when Barstow told me he had retained the paper transferring Shaw's securities to Miss Emory and had had it filed. After the trial was safely over he was going to marry her, he declared, and then he'd make a rich man of me. I was afraid that paper would ruin her, and when it was discovered I thought the game was up. But Barstow assured me that no harm could come to her—that he loved her, and would confess rather than injure a hair of her head. It didn't take much to persuade me, anyway. I was an accomplice, and Barstow never let me forget it. His only fear was that Miss Mapes and the housemaid would make some damaging admissions, and when he finally got them out of the way he thought all the danger was over. Then Miss Mapes turned up, bringing the Field girl with her. She was in a towering rage because the case had proceeded to trial, for Barstow had promised to clear Miss Emory without a trial, if she would leave the State. We knew she had destroyed Miss Emory's skirt with the idea of helping her, and Barstow was so scared that she'd make some other fool break that he wouldn't put her on the stand even to prove the



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exchange of rooms, and he was equally afraid the prosecution would get hold of her. I called on her the night the jury was impanelled and begged her to go away, or at least make a clean breast of everything she knew, but I never discovered what she was keeping back until Mr. Corning told me what she blurted out about the quarrel between Shaw and Miss Emory. Of course that almost unhorsed Barstow, and he naturally turned on her to divert the attention of the jury. But Miss Emory was too loyal a friend for that, and he ought to have known it. Hadn't she risked her life to save him or his friend, or somebody he called his friend? Hadn't she stood by and—"

Gilbert raised his hand and checked the excited witness whose voice was gradually rising to a shout.

"Pardon me, Mr. Hunt," he interposed. "You must keep to facts and let me ask questions."

Hunt nodded with a grim smile and settled back in his chair.

"Tell the jury how you received the injuries from which you are now suffering," continued Gilbert, calmly.

"One of our men, who was keeping track of Miss Mapes and the Field girl in Melton yesterday, discovered that they wanted a carriage to get back to Pollicet," the witness responded, "and this struck Barstow as a good opportunity to get them out of the State. He made me hire a hack, remove the handles from the doors, and disguise myself as a hackman.

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Then I was to meet the two women at a shop in town, get them into the carriage, and carry them over the State line and keep them away until the trial was over. Everything worked well until some fellow tried to stop the horses, thinking they were running away, and when I was trying to dissuade him with the butt of my whip I was thrown from the box-seat and fell on my head. That's all I know about it."

"How did you happen to come here to testify to-night?"

"Well, this morning Miss Barbara Frayne—who was with the fellow who stopped the horses yesterday—called to find out how I was," the witness answered, "and she was so kind and cheering I got into conversation with her and let her see I was interested in the case, and she promised to call at the noon recess and tell me how matters stood. Well, she came and told me what was happening, and I suppose she must have seen how it worried me, for she began to ask questions. I fought her off for a while, but she worked and pled with me until I owned up to a whole lot, and she persuaded me to let her tell you. I suppose that's how Mr. Corning came to see me, isn't it? I tried to get here earlier, but the doctor couldn't patch me up until to-night. I'm glad I got here though. It corroborates Miss Emory, doesn't it, and an accomplice needs to be corroborated—"

The witness's voice died away in a husky whisper, and he sank back wearily in his chair. Gilbert

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stooped and spoke to his assistant and then gravely addressed the Court.

"That is all, your Honor," he announced.

The Judge leaned over his desk gazing earnestly at Barstow, and every eye in the room centred on the lawyer, who sat quietly watching the limp figure in the witness-chair.

"Does the defence wish to cross-examine?" he inquired, gravely.

Barstow rose and faced the Court with perfect self-possession.

"The defence does not wish to cross-examine," he retorted. "But the uncontradicted testimony of this witness demands the instant discharge of the defendant, and I renew my request that the jury be forthwith instructed to acquit."

The man's tone and manner were as rough and aggressive as they had been at the opening of the trial. To all outward appearances the testimony had no interest for him save that it was favorable to his client.

"I think it my duty to join in the defendant's request, and I therefore move that the jury be instructed to acquit the defendant at the Bar."

A burst of applause followed Gilbert's solemn announcement, and the Judge's gavel was powerless to suppress the tumult until Barstow rose and held up his hand.

"I withdraw my suggestion, and request the Court to deny the prosecutor's!" he exclaimed, as soon as

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he could be heard. "This defendant is entitled to the only reparation the State can make her under the circumstances, which is an uninstructed verdict of not guilty at the hands of her peers. I therefore demand, not as a matter of favor, but as a matter of right, that her case be submitted to the jury with no directions from the Court, save to do full justice."

I do not like to think I was the only person in the room who understood the dignity of this appeal, but I know I felt like cheering it until Bayne whispered that he guessed Barstow must have heard the story of the Montana jury, but even that cynical suggestion did not destroy my appreciation of the man's spirit. He had been a brute and a blackguard, but he was carrying the matter off with a high hand like a gentleman, and I paid mental tribute to his attitude.

"The jury will retire to consider their verdict," announced the Judge.

My associates rose, but before they could leave the box I held them in whispered consultation for a moment and we quietly resumed our seats.

Then Judge Dudley nodded to the clerk, who immediately rose and faced us.

"Gentlemen of the jury," he began, "have you agreed upon a verdict?"

"We have," I answered, rising as I spoke.

"How say you, gentlemen of the jury," he continued. "Do you find the prisoner guilty or not guilty of the offence as charged?"

"Not guilty," I responded, but before I had com-

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pleted the words they were drowned in a thunderous burst of cheering, and immediately all was wild confusion. Men leaped on the benches and howled like maniacs, women wept, and enthusiasts fought to clasp the defendant's hand, while the Judge pounded his desk and attendants rushed about endeavoring to suppress the demonstration. We were still standing in our places watching this scene of frenzied joy when we heard ourselves addressed in even, earnest tones.

"Mr. Foreman and Gentlemen of the Jury, I thank you on behalf of my client and on my own behalf for the justice of this verdict at your hands."

Barstow stood close to the jury-rail as he uttered the words, and as we stared at him in open-mouthed amazement a sheriff's officer approached and whispered something in his ear.

"Certainly," we heard him answer. "Wait till I've had a chance to congratulate my client and I'll be at your service."

He moved away as he spoke, and as my eyes followed him across the room I saw Barbara Frayne greet Gilbert with out-stretched hands, and they were still standing together gazing into each other's eyes as the crowd surged around them and hid them from my view.

## XXXI

I SUPPOSE it was somewhat presumptuous for an unknown bachelor and recluse like myself to think of giving a dance at "The Hermitage," but Barbara Frayne's suggestion to that effect was the first thing I thought of after I left the court-room, and I stopped at Pollicet on my way from Melton the next morning and reminded her of her promise to act as the Committee of Arrangements. Her enthusiastic response settled the matter, and before the day was over I was actively engaged in fulfilling her preliminary orders. In fact, for the next few weeks I thought of little else, and the hours I passed in the company of my Committee working up the details of the affair were the happiest I had ever known. At first I had doubted the wisdom of the venture and was prepared to abandon it on very little provocation, but all my misgivings vanished under her inspiration and before long the result was an assured success. Certainly no festivity was ever conceived in a spirit of greater gayety and good-comradeship than my "coming-out party," but I did not realize how eagerly I had looked forward to it until the day arrived.

Perhaps it was unreasonable to expect any occasion



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to fulfil the promise of such joyous planning, but it must be admitted that the long-looked-for evening was a bitter disappointment when it came.

In the first place the Fraynes did not appear until the dance was in full swing, and in the second place I saw nothing of Miss Barbara after she arrived. Indeed, I had scarcely welcomed her when a beardless youth whisked her away, and I merely caught fleeting glimpses of her afterwards as she glided across the hall or library with one or another of her numerous partners. I had counted on having the first dance with her, but I solaced myself with the thought of the cotillon which was to follow the supper, and for a time my duties as host prevented me from realizing how little the evening was fulfilling my expectations.

At supper I manœuvred to place Miss Barbara at my table, but again I was disappointed, and when I found myself stranded with three hungry chaperones I began to grow disgusted with the whole affair. I shall never forget the appetites of those women. At first it was amusing to watch their enjoyment of the refreshments, but as time wore on and the dining-room began to thin, it ceased to be a joke, and I grew restless, impatient, and discouraged. At last, in sheer despair that they would ever rise from the table, I excused myself and hurried to the library, but I had no sooner reached it than I wished myself back again. The cotillon had already begun, and Barbara Frayne and Deake Gilbert were paired as partners.

For a moment I stood in the crowded doorway

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watching the merry throng of dancers, and then sought my den at the back of the house, and sitting down in the curtained bay-window gazed out on the wintry landscape. It had been aggravating enough to see the girl for whom the dance was given handed from one callow youth to another, but to stay and watch Gilbert monopolize her for the cotillon was more than I could tolerate.

I had had more than one encounter with the prosecutor at "Heathercote," but until he actually supplanted me with Miss Barbara under my own roof I never understood his attitude towards me. He had always been friendly and good-natured, but there was something in his easy self-possession which jarred me, and without knowing why, I could not respond to his cordiality. The moment I saw him sitting beside Barbara Frayne, however, I knew the reason of my instinctive resentment. He was a generous rival—a victor who could afford to be magnanimous and kindly—an accepted lover who could indulge in a noble sort of compassion for a late competitor. A suspicion of this had more than once crossed my mind, and why I had not understood it earlier was utterly beyond my comprehension. I had certainly received enough warning to put a far duller man upon his guard, but apparently it was decreed that my eyes should not be opened until I had actually given a dance in honor of the happy pair.

The situation was ludicrous, but it might easily have become humiliating if any one had discovered

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my feelings, and I promptly determined to rejoin my guests and do all I could to make the evening worthy of its inspiration. With this thought I turned quickly from the window, but paused as I caught the sound of Abel Corning's voice.

"He wouldn't have got much more if he'd stood trial," the assistant prosecutor was saying as he entered the room.

I felt I could not meet Gilbert's associate at that moment, and hoping he would soon retire I drew back again behind the curtains.

"But a ten-year sentence is nothing under the circumstances," protested his companion, whom I recognized as a fellow named Henley.

"It's enough for Barstow," answered Corning, lighting a cigarette. "The mere fact of conviction means ruin to a lawyer. He couldn't have been held for more than manslaughter in the first degree, and I think Gilbert was right in accepting something short of that to escape a long trial. They say Alice Emory dissuaded Barstow from making a fight, and, strange as it may seem, she is sticking to him through thick and thin. Women are queer things!"

"When did he throw up the sponge?"

"To-day."

The men smoked in silence for a while, and I waited impatiently for them to finish their cigarettes.

"Do you believe the jury would have convicted Alice Emory if she hadn't gone on the stand?" inquired Henley, after a pause.

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Corning shrugged his shoulders.

"You must ask our host that question," he responded; "but even if they had acquitted her, most people would have believed she was guilty, and the matter would never have been cleared up. Barstow pretty nearly checkmated us, anyway," he added, reflectively.

"How do you mean?"

"Why he almost succeeded in forcing an adjournment, and if Judge Dudley hadn't suspected something he'd have let the case go over until the morning, and by that time Barstow would have closed his client's mouth and got Hunt under his control again. Great Scott, what a night that was!" Corning went on, reminiscently. "Everything hung by a thread, and it was touch-and-go all the time. Do you remember when Barstow tried to resign from the case?"

Henley nodded.

"Well, if he had managed to get out of the courtroom at that crisis we'd never have seen him again, and after Miss Emory had testified he almost gave us the slip again."

"How?"

"Well, you see, I had been working with Hunt all the evening, but I hadn't succeeded in getting enough out of him to give us the clew we wanted, and though Gilbert kept sending me reports of what was going on in the court-room it wasn't until Barbara Frayne brought word of the actual accusation against Hunt

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that we persuaded him to go to court, and as it was we arrived only just in the nick of time. Another five minutes and Barstow would have forced an adjournment and made good his escape. By Jove, it makes me pant to think of it!"

The speaker drew a long breath of relief.

"I don't wonder," responded his companion. "It must have been exciting. Didn't Gilbert suspect anything until the foreman began to question Miss Mapes?"

"Not even then," Corning asserted. "But if Lambert hadn't suspected the housekeeper we would never have discovered anything at all, for it was Barstow's attack on her testimony which drove Miss Emory to the stand."

"I don't believe the jury would have convicted her anyway," asserted Henley.

"Your guess is as good as the next man's on that point," answered Corning, "but I know Gilbert thought he'd won the case when the Court adjourned for supper."

"Well, if he had, he wouldn't be where he is now," laughed Henley.

"What do you mean?" inquired Corning.

"You know whom he's dancing with, don't you?" inquired his companion. "If he'd won the Emory case he'd have lost a far more important suit, I'm thinking."

"You're dreaming," retorted Corning, testily.

"Think so?" drawled the other. "Well, there are



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some who'd like to be wakened if a certain engagement is a dream."

"Nonsense!" protested Corning. "Don't go bellowing that about the house."

"Bellowing it?" repeated Henley. "There's no need to. Everybody knows it. But he's entitled to play it's a secret if he wants to, I suppose."

"I suppose so, too," muttered Corning, rising, and throwing his cigarette in the fire. "Let's go back and steal another dance."

I remained staring at the rug at my feet for some moments after the men departed. Apparently the secret was known to everybody but me. Doubtless Miss Frayne had been engaged to Gilbert when I first met her, and she had merely used me in the hope of securing favor for her friend. But nothing could excuse her subsequent behavior, and I flushed angrily at the thought of the spectacle I must have presented. How she must have smiled; how they both must have been amused at my enthusiastic interest in this dance! Well, I would join in the joke and carry it off with spirit. If one had to be a jackass, the laughing kind was much to be preferred.

I parted the curtains and was about to step out when I saw a girl standing near the divan at the other side of the room. She was stooping as though looking for something on the floor, and as her back was turned towards me I shook the curtain-rings to warn her of my presence. Instantly she whirled about and sat down on the divan, gathering her feet be-



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neath her, and to my astonishment I found myself face to face with Barbara Frayne.

"Oh, it's you, is it?" she exclaimed, with a glad laugh of relief. "I didn't know any one was in here. Forgive me for intruding."

"Pardon me for surprising you," I responded, lightly.

"Is this the hermit's Holy of Holies?" she inquired.

"No—only his retreat," I answered.

"But why have you retreated?" she demanded.

"Don't you dare face the music? Come, sit down and confess!"

She motioned to the divan, and as I moved forward to accept the invitation my feet struck against something on the floor, and stooping down I picked up a satin slipper.

"Hello!" I exclaimed, examining it. "Cinderella must have passed this way."

"She did," laughed my companion, coloring slightly. "She came in here for repairs. Deliver, please!" she continued, holding out her hand.

"Are you sure you're Cinderella?" I inquired. "This slipper isn't glass."

"No, but it lacks a buckle and I identify it."

"Cinderella proved her property by its fit," I suggested.

"Well, if I'll do that you must prove yourself Prince Charming," she retorted. "Is it a bargain?" she added, laughingly.

"I'm afraid Mr. Gilbert would prosecute me for

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detaining you under false pretences if I attempted to conclude that bargain," I answered.

"Well, you *do* look more like a knight than a Prince," she admitted, critically, "and not my knight-errant either," she continued, disapprovingly, "but he of the rueful countenance. What do you mean by hiding in your den and compelling us to hunt you up?"

"Us?" I repeated. "Whom do you mean?"

"All those with favors to bestow."

"You have a favor for me?" I inquired, smilingly.

"Well, I had," she answered, reproachfully, "but I gave it away when I couldn't find you. If you're very repentent, however, we might steal a dance now."

"I'm afraid your partner wouldn't think that fair," I protested.

"My partner?"

"Mr. Gilbert," I explained.

"Oh, Deake," she answered, lightly. "By-the-way, that reminds me. He asked me to present his apologies for running off without seeing you, but he had to catch the midnight train, and it would hardly do for him to be late to-morrow—would it?" she added, laughingly.

"If he'd stayed until the end of this dance," I responded, "he'd have been up in time for the earliest morning train, and—"

"But his wedding is at noon."

I stared at the girl in amazement,

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"Don't you know he's to be married in Philadelphia to-morrow?" she exclaimed. "Well, I know he intended to tell you to-night," she went on, "although he didn't want it generally known, because—"

"I thought he was dancing the cotillon with you," I interrupted.

"No, indeed," Miss Barbara answered. "I didn't have any partner so he offered to keep me company for a while."

"You didn't have any partner?" I repeated, accusingly.

"Well, I thought I had," she answered, "but he forgot—"

"He forgot?"

"Yes. Now confess, didn't you?"

"Indeed, I did not," I asserted. "But I tried to forget when I saw Mr. Gilbert had taken my place."

"Now, for an intelligent juror that was a very stupid proceeding," she asserted, "to say nothing of its injustice to me."

"If I have been unjust I have been punished for it," I protested. "And my coming-out party has been almost spoiled. Won't you save it by giving me the remainder of the dance?"

"It was my fault!" she exclaimed, impulsively. "Come!"

She started up from the divan as she spoke, but drew back laughingly.

"My slipper, please," she demanded,

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"I must have proof of its ownership," I answered, warningly.

"I accept the test," she responded.

I stooped down, and as I fitted the slipper on her foot I glanced up at her.

"Mademoiselle Cinderella," I began, "I am the bearer of a message. Will your ladyship deign to hear it?"

"A message?" she repeated. "From whom?"

"From a comrade, a friend—a petitioner—a knight—"

"Are you sure?" she interrupted.

"I am in the sender's confidence, mademoiselle," I answered. "He bids me say he loves you, and has loved you since the very hour he met you—that he knows no words to tell you what lies hidden in his heart. He merely asks that you will look into his eyes and tell him what you see there."

The girl gazed steadily at me for a moment as I ceased speaking.

"What do you see in mine?" she questioned.

"A lover," I responded.

"A Prince?" she queried.

"No—only a beggarly pleader," I answered.

"Look closer," she whispered, "and you will see Prince Charming."

"Witch!" I murmured, with my arms about her. "You've transformed me!"

She shook her head as she gazed up smilingly into my face.

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"You had to be the Prince if I proved Cinderella," she answered. "It was part of the contract."

"Is the contract fulfilled then?" I questioned, and looking down into her eyes I saw my answer. "Then know ye, Cinderella," I continued, sagely, "that contracts are signed—sealed—and—"

I would have illustrated all my learning but the words were taken from my lips.

"And delivered!" she interrupted, softly.

THE END









